

# Toward a Sociology of Public Confessions

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### *Abstract*

An analysis of transcripts from three very different sets of public confessions—the Moscow Show Trials, the South African Truth and Reconciliation Commission Amnesty Hearings, and Iraq Veterans Against the War’s Winter Soldier—identifies the common characteristics of public confessions. These confessions all occurred after deviant acts demonstrated an inconsistency within the social order—typically violent behavior that was formally condemned but was also encouraged, accepted, and even ordered by officials, reflecting a larger lack of consensus as to what was acceptable and what was unacceptable within the societies. The confessions addressed the nature of the deviance, assigned responsibility for the deviance, discussed the implications of the deviance for political legitimacy, and sought closure. Historically, power holders have organized public confessions to acquit the social order of any responsibility for deviant acts, to legitimize their authority, and to delegitimize their challengers. However, with the advent of new forms of media that allow for user-generated content, individuals and social movements may now intentionally organize public confessions to challenge the legitimacy of power holders and the social order.

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## Introduction

Public confessions refer to narratives, made accessible to the public, in which individuals take responsibility for wrongdoing.<sup>1</sup> Public confessions are profoundly sociological—they create a bridge between the private and the public, self and society, an individual’s beliefs and the legitimacy of the government, deviance and the moral order, and the backstage area and the spectacle. Furthermore, public confessions can be found in one form or another, often organized by government officials, in a variety of different cultures—including Europe, Russia, the Middle East, Africa, Asia, South America, and the United States—in the pre-modern, modern, and postmodern eras. Public confessions may be volunteered, influenced, or coerced, and may be followed by forgiveness, amnesty, rehabilitation, punishment, or execution. In 1982, Hepworth and Turner wrote, “Confession...remains a sociologically and culturally ambiguous phenomenon” (174). Since that time, public confessions have become even more pervasive—with televised public confessions in Iran, an increase in the number of confessions made by American politicians and celebrities, and the advent of new forms of media allowing for online confessions—and yet the topic of public confessions has remained largely untouched in the field of sociology.

What are the basic characteristics of public confessions and what do these characteristics reveal about the use of public confessions? To answer this question, I examined the transcripts of three very different sets of public confessions: the Moscow Show Trials, the South African Truth and Reconciliation Amnesty Trials, and Iraq Veterans Against the War’s Winter Soldier event. While these sets of public confessions are dissimilar, they all highlight an inconsistency in the

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<sup>1</sup> Confessors may or may not be responsible for the wrongdoing to which they confess. However, for the purposes of the confession, the confessor assumes responsibility for the wrongdoing and plays the role of the deviant.

social order, explore the nature of the deviance and assign responsibility for it, discuss the implications of the deviance for the legitimacy of political figures and the status quo, and seek closure concerning both the deviance and the inconsistency in the social order.

In the Moscow Show Trials, a power holder whose legitimacy was threatened by other members of his own political party forced his opponents to confess publicly to taking part in terrorism, treason, and an assassination in order to redefine their opposition as illegitimate and reinforce his own legitimacy. In the South African Truth and Reconciliation Amnesty Trials, a new power holder used public confessions to define widespread human rights violations as fundamentally tied to policies of the previous regime and to bolster the legitimacy of the ideology linked to his own regime. In the third set of public confessions, the Iraq Veterans Against the War's Winter Soldier Event, a social movement organization used confessions of war crimes and similar acts of deviance in order to challenge the legitimacy of the government and the Iraq war.

Public confessions signal that not only are the deviant individuals on trial but the social order as well. A confession may legitimize the social order and repair the damage done by the deviant act, or further highlight the link between inconsistencies in the social order and the deviant act and thereby send a message that the government and the social order are illegitimate. Historically, the former outcome was more common, because authority figures had more power than deviant individuals to define the situation. Today, the advent of "democratizing" social media may facilitate the use of public confessions by those who previously would not have the means to organize large events attended by the public.

## STUDYING CONFESSIONS

Much of the social science and historical literature on confessions is concerned with confessions made within the context of court trials and police interrogations. While a small percentage of these confessions become public, they are framed for the legal system rather than the public. The fields of psychology, the social sciences, and history have all studied legal confessions.

For example, some psychological work on confessions examines police interrogation processes, suggestibility, and other factors that may lead to false confessions (Clare & Gudjonsson 1993; Gudjonsson 1984; Gudjonsson 1991; Gudjonsson 1992; Kassin & Kiechel 1996; McCann 1998; Wakefield & Underwager 1992; Wrightsman & Kassin 1993). Other work focuses on the effects of confessions on mock jurors: how confessions are received, how the confessors' characters are perceived based on the confession (Spencer 1983; Robinson, Smith-Lovin, and Tsoudis 1994), and how one's confession—and its apparent sincerity—affects conviction rates and sentencing (Kassin and Sukel 1997; Kassin & Nuemann, 1997). For instance, Robinson, Smith-Lovin, and Tsoudis (1994) found that when individuals listen to confessions, they focus on the emotional state of the confessor in order to ascertain the confessor's sincerity and evaluate his or her character. Similarly, Kassin and Sukel (1997) found that confessions have a strong effect on juror decision-making and are perceived to be the “most incriminating form of evidence (442).”

Scholars in the sociology of law have also studied the processes and results of judicial interrogations, often examining false confessions or inadmissible confessions in the judicial system (Kaci & Rush 1988; Leo 1992; Leo 1994; Leo 1996; Moreland 1969; Ofshe & Leo 1997; Spencer 1983). Leo (1996) also examined the circumstances that lead suspects to confess their crimes to detectives despite the fact that they are not legally obligated to do so.



In the field of anthropology, Jackson (1975) and Kratz (1991) studied the cultural grounding of public confessions. Jackson found that while accusations of witchcraft in West Africa are rare, confessions of witchcraft are not. Confessions of witchcraft are tied to social location, involving women of low status expressing envy, hostility, and guilt in a way that is not normally acceptable. According to Jackson, “The compulsion to confess is a special instance of the impulse to express things felt but socially forbidden” (Jackson 1975: 400). Those who confess to witchcraft are often buried alive—which explains why those who confess often wait until they are in the process of dying. Jackson sees these confessions as an act of “liberation” by those with little power in their culture. Jackson (1975) explains:

If confession of witchcraft is, in Kuranko society, a form of suicide, it is also an affirmation of a woman’s status as subject in a world which seems to have relegated her, socially and physically, to the position of an object. Through confession the ‘witch’ makes herself out of the conditions which have made her (400).

Kratz’s (1991) work explores the ritual confession of social debts in the Okiek tribe in Kenya, which she briefly compares with confessions found in Western religious institutions. The Okiek tribe asks girls to confess publicly to social debts to adults, such as being disobedient or bothersome, before the girls are circumcised. This is meant to eliminate any resentment the adults harbor about these social debts, as the tribe believes such feelings will cause complications with the girls’ circumcisions. While the purpose of such confessions seems to differ greatly from the purpose of most Western public confessions, confessions in both cultures are still narratives linked to reparations and inclusion, and Kratz notes that, in general, confessions reflect culture by bringing together “concepts of personhood, authority, power, and morality in ritual context” (p. 829). Furthermore, Kratz shows that confessions indicate what

topics are thought to be appropriate for personal narratives in a given culture (Kratz 1991; Labov and Waletzky 1967).

Asad (1983) and Bossy (1985) both document the transition from public confessions in the Catholic Church—serving as “a public act by which the sinner was restored to the social communion of the Church, and seen to be so restored” (Bossy 1985:47)—to private confessions that define one’s relationship with God. Baughman (1967) examines the authenticity of Hawthorne’s *The Scarlet Letter*, documenting the practice of public confessions in England, New England, Scotland, and Virginia. He finds records of public confessions concerning a wide variety of offenses including adultery, contempt for authority, suspicion of heresy, assault, overcharging for goods, disorderly conduct, and violent language. He notes that, “In New England the requirement [of a confession] seems to be customary for all offenses that isolate the individual from the fellowship of the church” (549). Offenses were handled by the church, the state, or both, as the line between state and church was blurred.

Within the field of communications, Tell (2006) explores the connection between public confessions and the Enlightenment, demonstrating that public confessions became a “privatizing and anti-political rhetorical form” associated with self-expression. Furthermore, Tell (2012) argues that the “expressive confession” naturalizes historical events and presents them as inevitable.

In *Asylums*, Goffman (1961) mentions confessions in passing and discusses the mortifying experience of being made to confess in front of an audience. During admission to total institutions, inmates may be required to provide background information—some of it discrediting. During their stay at the total institution, more information is taken from them, sometimes forcibly. Goffman (1961) refers to this as a “violation of one’s informational preserve

regarding self” (p. 23). Not being able to manage how one portrays oneself, or what personal information is shared with an audience, is damaging to one’s sense of agency.

### *Foucault’s Discipline and Punish*

Michel Foucault’s *Discipline and Punish* is central to the development of a theory of public confessions. Foucault explores how confessions—in addition to torture and public executions—reinforced the authority of sovereigns in pre-modern Europe. To disobey any law was to disobey the sovereign’s authority; to disobey the sovereign’s authority was to challenge the sovereign. Sovereigns punished crime to reinforce their authority, and since the sovereign was essentially the social order, confession and the sovereign punishment of crime upheld the social order. Foucault (1977) notes that confessions served two functions: first, confessions provided strong proof against the suspect and “almost discharged the prosecution of the obligation to provide further evidence” (37); second, they compelled the criminal to accept responsibility for his or her crime and its consequences. Foucault (1977) notes that:

the only way that this procedure might use all its unequivocal authority, and become a real victory over the accused, the only way in which the truth might exert all its power, was for the criminal to accept responsibility for his own crime and himself sign what had been skillfully and obscurely constructed by the preliminary investigation (38).

Foucault (1977) states that the judicial process is a search for truth; extracting a confession is a duel between suspect and investigators. The function of public torture and execution is to “reveal the truth” (p. 44). The criminal’s confession and participation in the process “made the guilty man the herald of his own condemnation and established the public execution as the moment of truth” (p. 43). However, although public confessions is meant to legitimate the sovereign, at times public confessions and executions lead the public to become

sympathetic to the criminal and to view authority figures negatively.

Since its publication in English, *Discipline and Punish* has had a profound influence on sociology and criminology, beginning with Hepworth and Turner (1982). Hepworth and Turner study judicial and religious confessions, which they claim serve four social functions: therapeutic, remedial, boundary-maintaining, and penitential. All confessions have a therapeutic or cathartic function, while religious confessions lift “prohibitions which barred the individual from the altar and the Eucharist...[a] remedial function in restoring ‘deviant’ individuals to the religious community” (p. 43). Confessions justify and maintain social values by “legitimizing current concepts of proper behavior and belief” (p.45). In Hepworth and Turner’s (1982) words, “Demonstrations of guilt, remorse and repentance provide evidence that the penitent, no matter how gross the sin, is also capable of human feeling, capable of responding to his confessor in a manner characteristic of ordinary human beings” (p. 45). However, Hepworth and Turner find confessions can also be used as mechanisms of social control.

More recently, historian Abrahamian (1999) has studied a modern form of public confession: the confessions individuals made in Iran in the 1980s and later recanted. He notes that these confessions are similar to the confessions made in Maoist China during the so-called “brainwashing” campaign from 1949 to 1954, the 1965-71 Chinese Cultural Revolution, the 1935-39 Moscow trials, the Slansky trials in Russia and Eastern Europe and, to some extent, McCarthyism in the United States. Abrahamian extends Foucault’s work on legitimizing confessions and executions in pre-modern Europe to modern societies, particularly theocracies. Like Foucault and Hepworth and Turner, Abrahamian also examines the effects of public confessions on the public’s view of authority figures. Also like Foucault, he notes that confessions sometimes come with a powerful credibility. According to Abrahamian (1999),

public confessions are a crucial part of propaganda and are linked to “ideological warfare, political mobilization, and the need to win ‘hearts and minds’” (3). Abrahamian describes the confessions and subsequent recantations in Iran in the 1980s as:

grand theater staged by the authorities as positive propaganda for themselves and as negative propaganda against their real and imagined enemies. They are intended to destroy as well as to win over hearts and minds... They submit to authorities and recognize their legitimacy by meticulously citing their horrific titles, grand claims, and historic achievements. They reaffirm the official version of reality, of Truth and of History. In short, they repeat the Gospel according to their Rulers. They also reconfirm the importance of ideological conformity and the pitfalls of nonconformity (6-7).

However, Abrahamian links the confessions he studied to legitimizing authority in a different way than do Foucault and Hepworth and Turner. Foucault discusses transgressions that symbolically challenge the sovereign’s authority, and the resulting torture, confession, and punishment that reinforce that authority. In this model, confession is part of a ritual that takes place between the government and the criminal. In contrast, Abrahamian examines the government-induced confessions and recantations of individuals who opposed and explicitly challenged the authority of the Iranian government and the ideology they espouse. In these confessions, the role of the government is largely invisible to the public. To the public it appears as though the confessor has judged his or her convictions and actions and has determined them to be wrong, while also considering the convictions and actions of the government to be right and legitimate.

While some of the confessions that Foucault discusses—particularly those written on broadsheets that are most likely the work of the government and not the criminal—can be described as narratives that outline the criminal’s fall from grace and the consequences the criminal faces, the confessions that Abrahamian discusses are more complex narratives. These

narratives not only include a discussion of the fateful decisions that led to the confessor's downfall and a debasement of the confessor and his or her colleagues, but also a discussion and endorsement of the "state's avowed ideals—in the ideological as well as in the political, social, and economic realms" (Abrahamian 1999: 13), the vilification of the state's opponents, and even:

an avenue into the psyche of the larger society—its hopes and fears, likes and dislikes, dreams and nightmares, values and taboos, aspirations and aversions, past grievances and future strivings, collective memories and selective histories (Abrahamian 1999: 13).

### *Deviance and Dominant Culture*

Previous work on deviance and the dominant culture, legitimacy, and narratives in social movements inform my theoretical framework. Research on deviance and solidarity, fear of crime, degradation ceremonies, and accounts and neutralization techniques contributes to an understanding of the disconnect between deviance and dominant culture and is useful in analyzing public confessions.

As Durkheim (1938) and Erikson (1966) note, public confrontations between deviant individuals and policing agents may reinforce society's dominant ideologies and notions of social solidarity. Durkheim (1938) argues in "The Normal and the Pathological" that the "pathological" may function to maintain the "normal." In making this argument, Durkheim describes the righteous indignation in response to deviance that he says brings a community together:

Crime brings together upright consciences and concentrates them. We have only to notice what happens, particularly in a small town when some moral scandal has just been committed. They stop each other on the street, they visit each other, they

seek to come together to talk of the event and to wax indignation in common. From all the similar impressions which are exchanged, for all the temper that gets itself expressed, there emerges a unique temper...which is everybody's without being anybody's in particular. That is the public temper (p. 102).

Similarly, Erikson (1966) states that “deviant behavior is not a simple kind of leakage which occurs when the machinery of society is in poor working order” (p. 13). Sociologists should be “wary of the assumption so often made in sociological circles that any well-structured society is somehow designed to prevent deviant behavior from occurring” (p. 18). He explores the ways in which interactions between deviant individuals and policing agents clarify social boundaries for others:

Now people who live together in communities cannot relate to one another in any coherent way or even acquire a sense of their own stature as group members unless they learn something about the boundaries of the territory they occupy in social space...On the whole, members of a community inform one another about the placement of their boundaries by participating in the confrontations which occur when persons who venture out to the edges of the group are met by policing agents whose special business it is to guard the cultural integrity of the community (p. 10-11).

However, in contrast, my work suggests that confessions may lead to confrontations and dissent. Literature on the fear of crime shows that reports of crime can lead to distrust in social stability, moral consensus, and informal social control processes (Bannister 1993; Glassner 2000; Madriz 1997; Parenti 2000; Innes 2004; Tulloch 2003; Goffman 1972; Merry 1981). These ideas are supported by the work on moral panics, which demonstrates how easily reports of deviance can lead to prophecies of doom and destroy a community's faith in the social order (Cohen 1972; Goode and Ben-Yehuda 1994). Members of a community interpret reports of deviance as a sign that other members of society—particularly marginalized groups—cannot be trusted, that social

institutions no longer function properly, and that society is generally in a downward spiral.

According to Cohen (1972), “the deviant’s conduct threatens the societal reality as such, putting into question its taken-for-granted cognitive and normative...operating procedures” (p. 75).

While I agree with Erikson and Durkheim’s assumptions that deviance prompts individuals to evaluate the social order, I maintain that Durkheim and Erikson conflate deviance with attempts to repair the social order once it has been damaged through deviance.

Deviance may be linked to inconsistencies within the social order. Work on social movements notes that “the dominant culture is riddled with gaps, inconsistencies, and contradictions” (Johnston and Klandermans 1995: 5). For instance, Americans value equality, but also believe that individuals should be rewarded differently based on their work, ability, and motivations (Williams 1970). McAdam, McCarthy, and Zald (1996) note that the way issues are framed may change if events highlight an obvious inconsistency between a highly salient cultural value and conventional social practices or bring attention to a system’s vulnerability or illegitimacy.

In their work *Delinquency and Opportunity*, Cloward and Ohlin (1960) claim that in American society there is a discrepancy between social goals and legitimate opportunities to meet these goals. Crime then becomes an alternative avenue to success. As such, crime points to an inconsistency between cultural narratives and reality. Deviance that highlights inconsistencies may disrupt citizens’ notions of solidarity, the legitimacy of authority figures, and the effectiveness of social institutions. Stark (1987) notes that reports of deviance can lead to moral cynicism or “the belief that people are much worse than they pretend to be” (p. 896) and that the abstract morals endorsed by the dominant cultural ideology are unrealistic and incongruent with



social reality.<sup>2</sup>

While not all public confessions take place during degradation ceremonies, the work on degradation ceremonies is useful in this context as it explores confrontations between deviant individuals and policing agents and rituals that seek to make sense of nonconforming behavior in relation to the dominant culture. Previous work on degradation ceremonies—or other interactions between deviant individuals and policing agents—shows that these interactions have an effect on how the public defines deviant individuals, government officials and other power holders, the moral boundaries of society, and even the stability of society (Erikson 1966; Foucault 1977; Stark 1987; Garfinkel 1965; Antonio 1972; Della Porta 1996). These interactions are designed to label deviant individuals as outsiders and ritually separate them from the legitimate social order.

However, not all degradation ceremonies are successful in denouncing individuals and defining them as outsiders; unsuccessful degradation ceremonies may not only fail to denounce the deviant individual on trial, but can also damage the integrity of the social order. For instance, Antonio's (1972) work on the Chicago Conspiracy Trial shows that such rituals can lead to a negative portrayal of authorities and social institutions, pointing out that high-status accusers may have more to lose than perpetrators when trials go awry. Antonio found that defendants in the trial presented a different definition of the situation than prosecutors—that they were being charged for challenging an unfair political system rather than for crimes—and that the response of the court ultimately appeared to support the defendants' claims. Antonio (1972) states:

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<sup>2</sup> In fact, my very use of the term deviance to describe the acts of the confessors is problematic. Becker's (1963) definition of deviance states that deviant behavior is "behavior that people so label" (p. 9). In each of the cases I examined, behavior that was formally condemned was also encouraged, accepted, and even ordered by officials, making it difficult to state that these behaviors were considered to be deviant. These inconsistencies reflect a larger lack of consensus as to what is acceptable and what is unacceptable. Still, I use the term deviance to refer to these acts, because in each case, the acts in question were ultimately labeled as deviant.

The process and the ultimate success of the degradation ritual is threatened when sufficient agreement does not exist and contradictory definitions are such that the denounced refuse to comply with ceremonial rules (p. 288)...The defendants in the Chicago Conspiracy Trial exhibited gross violations of the informal, ceremonial rules of interaction. The court reacted by applying formal sanctions and in doing so appeared unfair (p.291).

Understanding what factors contribute to how nonconforming behavior is defined in degradation ceremonies can lead to a better understanding of how nonconforming behavior is negotiated in public confessions. One factor that determines whether or not degradation ceremonies are successful concerns who acts as the denouncer and what their motivation is for taking part in the denouncement. Garfinkel (1965) states that for a degradation ceremony to be successful, a denouncer must be seen as a neutral actor who embodies the values of the community but does not stand to gain from the denouncement personally—a denouncer who will not benefit from a degradation ceremony will be more likely to serve the interests of the population rather than his or her personal interests.

Research on neutralization techniques and accounts focuses on individuals' reframing of untoward behavior (Costello 2000; Goffman 1961; Sykes and Matza 1957; Hunt and Miller 1997; Orbuch 1997). Accounts, aligning actions, neutralization techniques, rationalizations, vocabularies of motive, and sad tales all involve protecting one's identity by reframing one's actions to align with cultural ideologies and values. Accounts are used to "nullify any negative implications flowing from appearance and demeanor" (Orbuch 1997: 457) and to "explain untoward behavior and bridge the gap between actions and expectations" (Scott and Lyman 1968: 46). Offenders may adopt these communication strategies either before committing deviant acts—in order to avoid the constraint of their own values and guilt (Rogers and Buffalo

1974)—or after committing deviant acts—in order to protect their personal identity and to avoid the normalizing judgment of agents of social control (Orbuch 1997).

### *Narratives in Social Movements*

The literature on narratives, frames, and social movements is also useful for understanding public confessions. It is my view that the work on narratives and frames as related to social movements is especially useful in understanding public confessions, since public confessions address not just isolated incidents of individual deviance, but deviance that symbolically disrupts the social order and challenges the status quo. Narratives link various actions and events together into a congruent whole that gives meaning to the actions and events (Fine 2002). Strategic narratives “represent ways in which people organize views of themselves, of others and of their social world” (Orbuch 1997: 455) and work “as a means of weaving together disparate social events” (Orbuch 1997: 457).

Narratives are key both to the way that people create identities and organize thoughts about themselves and to the way that social movement organizations seek to create solidarity and inspire mobilization. As Fine (2002) explains, narratives allow people to “process the material conditions of their existence and comprehend their place within the social order by creating verbal representations of society” (p. 230). Narratives identify some individuals as victims, some as villains, and others, particularly group leaders, as heroes (Benford and Snow 2002; Oliver and Johnston 2000; Turner, 1996). In social movements, narratives reinforce organizational ideology, define the collective identity of the group, and epitomize a group’s culture. Social movement narratives are a “discursive form through which frames are expressed and made concrete and exemplified” (Polletta 1998: 140)

Frames involve the interpretation of events—whether, for example, someone is labeled a

“terrorist” or a “freedom fighter.” Framing is “the conscious strategic efforts by groups of people to fashion shared understandings of the world and of themselves” (McAdam, McCarthy, and Zald 1996: 6). Public confessions often involve framing certain individuals as villains, victims, or heroes, reinforcing ideology, defining culture, and presenting events in a certain light. As Della Porta (1996) found in her work on political cultures and public reactions to social movements, the government's labeling of social movements activists as terrorists led to public disapproval and hindered the success of the movement. However, if the government intervenes in protests, the public may frame the events as undemocratic, leading to a sympathetic view of protesters and a negative view of the government.

Narratives support or refute the legitimacy of governments and leaders and the relations of command and obedience (Weber 1946). Legitimacy is sought by power holders to persuade power subjects that their command is rightful, making obedience rightful as well (Matheson 1987). Matheson (1987) explains that power holders have an interest in securing legitimacy, as it is inefficient to continually punish subordinates for disobedience or reward subjects for obedience:

...obedience motivated by a belief in legitimacy, for legal authority, is a less costly form of authority than either coercive or reward-based authority. In the case of coercive authority only constant surveillance and supervision can ensure that subordinates completely comply with commands, for subordinates will comply only when they face the prospect of punishment for noncompliance. In the case of reward based authority, obedience has to be ‘purchased’ through the offer of rewards for compliance (200).

Legitimacy rests on “reasoned elaborations” that convince subordinates to obey those in power (Wrong 1979). Part of these reasoned elaborations involves “the capacity of a political system to engender and maintain the belief that existing political institutions are the most

appropriate and proper ones for society” (Lipset 1983:64). One way that legitimacy is reasoned or argued is through “prevailing forms of explanation or understanding within a society” (Matheson 1987).

How a public makes sense of reality has important implications for legitimacy. Balandier (1970) notes that myths and narratives are important for legitimacy in that they both explain the social order in historical terms and justify the social order on a moral basis. Berger (1973) links legitimacy to knowledge that explains and justifies the social order and takes the form of abstract theories, proverbs, maxims, and other types of cultural narratives.

## METHODS AND DATA

I analyzed transcripts of the public confessions of the Moscow Show Trials, the South African Truth and Reconciliation Commission Trials, and the IVAW Winter Soldier event. The first two sets of public confessions are in the form of written transcripts recorded by authorities, while the third set is available through YouTube, the IVAW website, and IVAW’s book *Winter Soldier Iraq and Afghanistan: Eyewitness Accounts of the Occupations* and was created by the confessors themselves.

These three sets of public confessions are not only from different cultures and time periods; they also represent three different contexts in which public confessions are made. The Moscow Show Trials represent show trials, the South African Truth and Reconciliation Commission represents truth-telling initiatives, and Winter Soldier, Iraq and Afghanistan represent whistleblowing confessions. Comparing sets of public confessions made in diverse settings increases the likelihood that similar themes found between the sets of public confessions are due to the nature of public confessions and not to cultural similarities.

The Trial of Sixteen took place in Moscow in 1936 under Joseph Stalin. Stalin came to power in the Soviet Union in 1924 and soon thereafter faced criticisms and political opposition from his fellow Bolsheviks. When Sergey Kirov, previously a supporter of Stalin, became an increasingly strong political opponent, he was assassinated—most likely by Stalin’s order (Carmichael 1976). Stalin charged his other political opponents with the crime and accused them of taking part in a terrorist organization with plans to assassinate multiple members of the Soviet government (Carmichael 1976; Conquest 1990; Orlov 1953). The defendants were tortured until they confessed to the charges and were tried in a public courtroom (Carmichael 1976). Show trials such as the Moscow Sixteen focus on retributive justice and are typically used as propaganda for government officials and to make examples of those labeled as deviant (Abrahamian 1999).

The Soviet government produced the court report of the Trial of Sixteen—the first of the Moscow show trials—in multiple languages, including English. I obtained an original copy of the court report of the first of the Moscow Show Trials, which can also be found in the online magazine *Art Bin Magazine*; this magazine publishes, among other things, “historically or culturally interesting documents” (*Art Bin Magazine*). The English version of the court report was uploaded to *Art Bin Magazine* by Gudrun Persson, a prominent scholar of Russian history.

The South African Truth and Reconciliation Commission (TRC) was established as part of the Promotion of National Unity and Reconciliation Act of 1995, after apartheid was abolished and Nelson Mandela came to power (TRC 1998, vol. 1: 4-7). The Commission was created with the goal of providing closure concerning the human rights violations that took place between 1960 and 1994. As part of the Commission, the Amnesty Committee sought to uncover

truth and promote inclusion within South Africa, by holding trials in which perpetrators—all of whom had previously been convicted and sentenced for their crimes—were given the opportunity to confess to human rights violations and in return were considered for amnesty (TRC 1998, vol. 1: 80-81).

Truth-telling initiatives such as the South African confessions focus on restorative justice and are typically found in nations that are moving from a history of collective violence to democracy (Hayner 1994). These initiatives involve “official bodies set up to investigate and report on a pattern of past human rights abuses” (Hayner 2002: 5) but often do not have the power to prosecute perpetrators (Hayner 1996, Hayner 1998).

Transcripts for the South African Truth and Reconciliation Commission Amnesty Trials, as well as the amnesty decisions, can be found at the Commission’s website. The court transcripts are listed on the website by location, date, and name of perpetrator. The website also includes transcripts from special hearings, transcripts of victims’ hearings, media articles, information on the legal background of the Commission, the TRC reports, and policies concerning rehabilitation and reparation. There were a total of 7,116 amnesty applicants. I read and coded every fifth court transcript of the South African Truth and Reconciliation Commission Amnesty Hearings and the accompanying amnesty decisions, until I had examined thirty-five transcripts and amnesty decisions. In three of the cases I examined, I analyzed the confessions of the perpetrators’ codefendants in order to better understand their cases. This led to the additional examination and coding of eight more transcripts, for a total of forty-three transcripts. The transcripts ranged between 2 and 305 pages, with most of the transcripts being between 30 and 70 pages long.

Iraq Veterans Against the War (IVAW) is a social movement founded by U.S. military

veterans in 2004 that has called for the withdrawal of occupying forces in Iraq, reparations to the Iraqi people, the removal of foreign corporations from Iraq, and increased benefits and support for veterans (IVAW 2008). In an effort to create awareness of the consequences of the War in Iraq, the members of IVAW held a conference—referred to as Winter Soldier, Iraq and Afghanistan—in which they gave testimonies concerning the effects that the war has had on both Iraqi civilians and American soldiers. Many of the testimonies consist of confessions of deviant behavior, including taking part in an occupation the confessors saw as fundamentally criminal, harboring insensitive attitudes towards the Iraqis, or engaging in war crimes.

I introduce the term “whistleblowing confessions” to refer to public confessions that involve an admission of wrongdoing by an individual—possibly a representative of a social institution—that serves to incriminate a public figure, an organization, or the social order in general. Whistleblowing confessions, such as the confessions made by Vietnam Veterans Against the War and Iraq Veterans Against the War, may be used by social movement organizations to challenge the status quo and demonstrate a need for change.

Testimonies of the Iraq Veterans Against the War at Winter Soldier, Iraq and Afghanistan can be found on their website [www.ivaw.org](http://www.ivaw.org) and on YouTube. In addition, most of the testimonies were transcribed and published by IVAW as a book titled *Winter Soldier, Iraq and Afghanistan: Eyewitness Accounts of the Occupations*. Because not all the testimonies included confessions, I only included testimonies that portrayed sentiments of guilt, remorse, or regret about actions that took place during an occupation. I examined twenty-five confessions from Iraq Veterans Against the War. I transcribed any confession from Winter Soldier that appeared on YouTube but was not included in the book. In addition, I transcribed any portions of confessions



that appeared on YouTube but were omitted from the book, as some testimonies were slightly edited. The transcribed testimonies averaged three to five pages in length.

To examine these public confessions I used a historical comparative analysis, aligned with narrative rather than causal approaches. My work explores how events are organized into a sequence and given meaning through narratives (Gotham and Staples 1996; Abbott 1990; Griffin 1993; Sewell 1992). My approach to this project is similar to what Skocpol and Somers (1980) refer to as a “comparative history as the parallel demonstration of theory” (176), which examines elements common to multiple historical cases, rather than contrasting multiple historical cases.

Given the lack of preexisting research on sets of public confessions, I used grounded theory (Glaser and Strauss 1967) for my analysis. I examined the court report of the Trial of Sixteen, the transcripts of forty-three confessions from the TRC amnesty hearings, and the transcripts of twenty-five confessions made by members of IVAW. After printing all texts as hard copies, I examined the eighty-four public confessions, looked for reoccurring themes, and used memoing (Glaser 1998) to compare incidents and track similarities between cases. I then used selective coding (Glaser 1998) and coded the transcripts for instances of the following themes: assurances of credibility—often linked not only to general assurances of credibility but also to discussions of unique experiences and incriminating admissions, deviance that highlighted inconsistencies within the social order, discussions of the nature and root of the deviance, attempts to assign responsibility for the deviance, narratives of closure, and statements concerning the legitimacy of social institutions, power holders, and social orders. This process was combined with additional memoing and finally the sorting of memos (Glaser 1998) to establish a larger connection between the various themes found in all three cases. Despite the fact that the public confessions I examined were produced in very different cultural settings by very

different institutions and organizations, they all addressed deviance that highlights inconsistencies within the social order and, in doing so, challenged or reinforced the legitimacy of leaders and the social order.

“Stalin combines in himself all the strength and firmness of the present Party leadership. Therefore Stalin must be put out of the way in the first place. Kamenev enlarged on the theory and said that the former methods of fighting, namely, attempts to win the masses, combinations with the leaders of the Rightists, and banking on economic difficulties have failed. That is why the only method of struggle available is terroristic acts against Stalin and his closest comrades-in-arms...” —Reingold III. *The Trial of Sixteen*

### **The Trial of Sixteen**

In my analysis of the Moscow Show Trials, I found that public confessions may be engineered by power holders to redefine both deviance that highlights inconsistencies within the social order and political dissent in a way that protects the status quo from negative implications. This is accomplished largely through confessions that delegitimize the confessors and define their actions as pathological in nature, terroristic, or influenced by enemies of the state. In the Trial of Sixteen, Stalin engineered a series of public confessions in order to delegitimize previous political criticisms, legitimize his own authority, and justify purging the society of his political opponents.

Despite the fact that Joseph Stalin became the Premier of the Soviet Union following Lenin’s death in 1924, a power struggle to control the Bolshevik Party and the USSR ensued. Immediately, members of the Bolshevik Party began to criticize Stalin’s policies—including those that were originally meant to be part of a temporary wartime dictatorship during the Russian Civil War, which had since ended. Several critics, including Leon Trotsky, Lev Kamenev, Grigory Zinoviev, and Vladimir Smirnov created the United Opposition to challenge Stalin’s rule of the USSR. The United Opposition was ultimately unsuccessful in challenging Stalin, and in late 1927, members were expelled from the country. While Trotsky refused to waver and remained exiled, most of the other members, including Kamenev, Zinoviev, and Smirnov eventually renounced their objections and supported Stalin (Carmichael 1976; Conquest 1990; Getty and Naumov 1999). However, Stalin continued to face criticism from fellow

Bolsheviks into the 1930s, maintained a fragile relationship with former members of the United Opposition, and became increasingly unpopular (Carmichael 1976; Conquest 1990).

Stalin was particularly troubled when party member Kirov—previously one of his supporters—became critical of his policies and began to argue with him publicly (Carmichael 1976; Conquest 1990). Furthermore, Kirov was becoming increasingly influential within the Bolshevik Party, and Stalin began to view him as a rival (Carmichael 1976; Conquest 1990; Getty and Naumov 1999). Kirov was then assassinated by Leonid Nikolayev, probably under the direction of Stalin, who subsequently framed other party members for not only the assassination—by stating that they had hired Nikolayev—but also for being part of a larger terrorist organization with plans to assassinate multiple members of the Soviet government (Carmichael 1976; Conquest 1990; Orlov 1953). This series of events led to the Trial of Sixteen.

#### THE TRIAL OF SIXTEEN

The trial took place in August of 1936; sixteen defendants, collectively known as the “Trotskyite-Zinovievite Terrorist Centre,” were charged and executed. They included Grigory Zinoviev, Lev Kamenev, Grigory Yevdokimov, Ivan Bakayev, Sergei Mrachkovsky, Vagarshak Ter-Vaganyan, Ivan Smirnov, Yefim Dreitzer, Isak Reingold, Richard Pickel, Eduard Holtzman, Fritz David, Valentin Olberg, Konon Berman-Yurin, Lurye, and Nathan Lurye. Zinoviev and Kamenev were considered to be the main defendants (Conquest 1990).

The Trial of Sixteen marked the beginning of the Great Purge of the 1930s, in which Stalin eliminated various political opponents—or potential opponents—and other problematic individuals (Conquest 1990; Getty and Naumov 1999). Acting on Stalin's behalf, the People's Commissariat for Internal Affairs (of which the abbreviation for the Russian title is NKVD), arrested, tried, and executed almost every surviving Bolshevik from the Russian Revolution of

1917. The events of the Great Purge became known as "show trials," and included forced confessions as the only source of evidence (Rogovin 1998).

The Trial of Sixteen was the first of three show trials orchestrated under Stalin that collectively became known as the Moscow Show Trials (Rogovin 1998). The Trial of Sixteen was followed by the Trial of the Seventeen and the Trial of Twenty One. It is now accepted by historians that the confessions were false and were obtained through torture or threats of torturing the defendants' family members (Orlov 1953; Rogovin 1998; Conquest 1990). Many of the defendants are said to have made bargains with Stalin—that they would confess to the charges if their lives and the lives of their family members were spared (Carmichael 1976; Rogovin 1998; Conquest 1990). However, after the trial they, along with many of their family members, were executed anyway (Conquest 1990).

The trials were not only covered extensively in the USSR, but in other locations around the world, as the foreign press was given access to the hearings (Conquest 1990). In addition, the People's Commissariat of Justice of the USSR issued and widely distributed reports of the court proceedings in English, French, and German, in addition to Russian. In short, the trials and their underlying messages concerning legitimacy were meant to be witnessed not only by the Soviet public, but by the entire world. According to Walter Krivitsky (1939), a Soviet intelligence official who later defected:

Foreigners little realize how vital it was for Stalin in 1936, 1937, and 1938 to be able to declare that the British, American, French, German, Polish, Bulgarian, and Chinese communists unanimously supported the liquidation of the 'Trotskyite, fascist mad dogs and wreckers' (79).

The Great Purge continued as the NKVD attempted to rid the USSR of, in the words of Nikolai Ezhov, head of the NKVD, "the entire gang of anti-Soviet elements who undermine the foundations of the Soviet State" (as quoted by Werth 2010: 1). NKVD officials were given

quotas for arresting other potentially anti-Soviet individuals, with officials often surpassing these quotas in order to impress their commanding officers (Werth 2010: 2) and to secure their own survival (Conquest 1990). Prisoners were routinely tortured in order to extract confessions for the charges. In some cases the defendants were forced to sign blank sheets of paper so that their confessions could be filled in later (Werth 2010: 2).

Besides the Old Bolsheviks, the NKVD targeted members of the Red Army, writers, academics, artists, petty criminals, kulaks (wealthy farmers), civil servants from the tsarist era, former officers of the White Army, clergy members, former members of non-Bolshevik political parties, Poles, Western immigrants (many of which were Finnish Americans who had immigrated to the Soviet Union following the depression in the United States), ethnic minorities, and friends and family members of those who had been arrested (Carmichael 1976; Conquest 1990).

The NKVD eventually created troikas, or three person courts, which bypassed the conventional judicial system by trying individuals without their presence. The troikas were said to go through hundreds of court cases in a single day and almost always sentenced the defendants to be executed or exiled to Gulag labor camps (Werth 2010). The trend of show trials, public confessions, and executions—or being sentenced to time in labor camps—continued within Russia for the duration of Stalin’s reign and spread to many other areas within the Eastern European bloc. By some estimates, as many of 1,550,000 individuals were sentenced to death or time in labor camps during the Great Purge (Werth 2010: 1).

Much of the information that can be found on the Moscow show trials was done by journalists, historians, and Russian and East European scholars, who focus on collections of show trials and their role in the larger history of Soviet Russia rather than the actual confessions

(Cassidy 2000; Hodos 1987; Leites and Bernaut 1954; Jansen 1982). Other work on the show trials is embedded in larger works on Stalin and the Great Purge (Carmichael 1976; Orlov 1953; Snyder 2010; Conquest 1990; Courtois 1999; Brzezinski 1958; Getty 1985). In addition, because Soviet archives were opened after the fall of the Soviet Union, new documents concerning the Moscow Show Trials and the Great Purge, including NKVD operational orders, have been made available since much of the initial research was conducted, warranting additional research on the show trials (Conquest 1990; Werth 2010).

The purges have been attributed to a strategy to control citizens through fear (Brzezinski 1958), Stalin's paranoia (Conquest 1968), or other officials' efforts to please Stalin and deflect any unsatisfactory conditions onto scapegoats who became targets for the purge" (Getty 1985). New work reflecting the discovery of the NKVD operational orders depicts the purges as more akin to the social engineering of Nazi Germany, suggesting that Stalin and other leaders systematically eliminated those they saw as undesirable members of society based on their class and political beliefs rather than their race (Courtois 1999).

Connor's sociological (1972) analysis of the Moscow Show Trial uses a deviance framework and demonstrates that the rate of deviance a society can afford to acknowledge is elastic rather than constant and can increase rapidly under certain conditions. My work also uses a deviance framework but seeks to contribute to the literature the Moscow Show Trials and the literature on public confessions by demonstrating the ways in which public confessions are used to make sense of deviance and either reinforce or challenge the legitimacy of the social order.

## COURTROOM PROCEEDINGS

The Trial of Sixteen took place in the House of Trade Unions—an ornate government building built in the 1700s, which was used for show trials, state funerals, and meetings of

congress, as well as musical and theatrical performances before the Military Collegium of the Supreme Court. Army Military Jurist Ulrich presided over the court; other members of the Supreme Court included Army Corps Military Jurist Matulevich, Divisional Military Jurist Nikitchenko, reserve member of the Court Divisional Military Jurist Golyakov, and secretary Military Jurist of First Rank Kostyushko. Unlike other show trials, which typically were held in the much larger Hall of Columns, the Trial of Sixteen was held in the October Hall, where an audience of around 150 Soviet citizens—handpicked by the NKVD to attend and instructed as to how to react during the trials—could be easily managed (Conquest 1990). In addition, about thirty foreign journalists and diplomats were present. All defendants were present, but relatives of the defendants were not allowed to witness the trial.<sup>3</sup>

At the beginning of the Trial of Sixteen, the secretary of the court announced that a previous, private trial had established that the defendants Zinoviev and Kamenev had organized the terrorist group known as the “Moscow Center” and had planned the assassination of Kirov. In addition, the secretary stated that new information had come to light that demonstrated that the defendants were part of an even larger terrorist network linked to Trotsky that was planning to assassinate multiple Soviet leaders. The only evidence provided against the defendants was their own confessions, but according to the secretary of the court, evidence demonstrated that:

- 1) At the end of 1932 the Trotskyite and Zinovievite groups united and formed a united center consisting on Zinoviev, Kamenev, Evdokimov, Bakayev (from the Zinovievites) and I. N. Smirnov, Ter-Vaganyan and Mrachkovsky (from the Trotskyites), all charged in the present case.
- 2) The principal condition for the union of these counterrevolutionary groups was their common recognition of individual terrorism against the leaders of the C.P.S.U, and the Soviet Government.

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<sup>3</sup> Footage of The Trial of Twenty-One can be seen on YouTube through the following link:  
<http://www.youtube.com/watch?v=nFB9G1HINXI>



- 3) Precisely from that time onwards (end of 1932) the Trotskyites and Zinovievites, acting on direct instructions from L. Trotsky, received by the united center through special agents, concentrated their hostile activities against the C.P.S.U. and the Soviet Government mainly on the organization of terrorism against the most prominent leaders of the Party and the Government.
- 4) With this end in view the united center organized special terrorist groups, which prepared a number of practical measure for the assassination of Comrades Stalin, Voroshilov, Kaganovich, Kirov, Orjonikidze, Zhdanov, Kossior, Postyshev, and others.
- 5) One of these terrorist groups, consisting of Nikolayev, Rumyantsev, Mandelstamm, Levin, Kotolynov and others, who were convicted by the Military Collegium of the Supreme Court of the U.S.S.R. on December 28-29, 1934, carried out the foul murder of Comrade S.M. Kirov on December 1, 1934, on the direct instructions from Zinoviev and L. Trotsky, and under the direct guidance of the united center (People's Commissariat of Justice of the U.S.S.R 1936: 11).

The court trial lasted only five days (August 19th to August 23rd) and was divided into ten sessions. The court trial consisted of The Indictment: I. The Trotskyite-United Terrorist Centre II. The United Trotskyite-Zinovievite Centre and the Assassination of Comrade S. M. Kirov, III. Organization by the United Trotskyite-Zinovievite Centre of Terroristic Acts Against Comrades Voroshilov, Zhdanov, Kaganovich, Kossior, Orjonikidze and Postyshev; the Definition of the Charge, in which pleas of guilty were entered for all the defendants (although Smirnov and Holzman only pled guilty to being a part of these organizations and not to the specific acts); individual examinations for each of the accused; Examination of the Witness Safonova; Statement by Comrade Vyshinsky, State Attorney of the USSR; Speech for the Prosecution by Comrade Vyshinsky, State Attorney of the USSR; Last Pleas by Mrachkovsky, Evdokimov, Dreitzer, Reingold, Bakayev and Pickel; Last Pleas of Kamenev, Zinoviev, Smirnov, Olberg, Berman-Yurin, Holtzman, N. Lurye, M. Lurye; Last Pleas of Ter-Vaganyan and Fritz David; and the Verdict (People's Commissariat of Justice of the U.S.S.R 1936).

According to the secretary of the court, the defendants all declined counsel, and court proceedings were largely organized by Kostyushko, the secretary of the court and Vyshinsky, the

prosecuting attorney. Throughout the trial the prosecution referred to confessions made by the defendants during previous interrogations. Defendants were frequently asked to confirm these confessions and then questioned further, resulting in additional confessions. While the defendants confessed to the assassination of Kirov, much of the trial focused on the formation of their terrorist organization, their plans to assassinate various Soviet leaders, their links to Trotsky and the Gestapo, and the motivation to take part in such activities.

### INCONSISTENCIES WITHIN THE SOCIAL ORDER

The confessions of the Moscow Show Trials were introduced to the public as a way to address deviance that highlighted incongruences within the social order—specifically that representatives of the social order, high standing members of the Soviet Party, were plotting to sabotage their own government by assassinating several members of their own party and overthrow the current regime through terrorism. Furthermore, the confessions established that the plans of the defendants contradicted the communist ideology on which the social order was based. In other words, such acts of deviance highlighted inconsistencies within the social order in that they involved government officials sabotaging members of their own government in an attempt to impede the progress of the country.

The confessions contradicted public rumors that the leader of the country was losing support from other members of his party, in part because—despite the fact that the Bolshevik Party claimed to represent the people—Stalin was acting as a dictator. Ordering the assassination of a dissenting member was clearly an act of deviance that highlighted this inconsistency within the social order. In Stalin's view, opposition from other party members was a disruption that needed to be remedied (Conquest 1990). Stalin claimed that new evidence linked the dissenting Bolsheviks to Kirov's assassination. Stalin then attempted to repair the damage done to the social

order by staging a series of public confessions that were obtained by various measures of torture and threats of torture against the defendants' families (Carmichael 1976).

## ORGANIZATION OF THE CONFESSIONS

In the Trial of Sixteen, the public confessions were organized and controlled by the government; government authorities not only staged the confessions but constructed the deviance in question, scripted the confessions, and coerced the defendants into confessing before the trial. As is evident from the transcripts, only Smirnov did not make a full confession; he stated that he neither planned nor executed terrorist activities, but he still confessed to being a part of the terrorist organization (People's Commissariat of Justice of the U.S.S.R. 1936).

Although Kirov was in fact murdered, much of the deviance that was discussed in the confessions never took place and was supposedly only being planned. The confessions worked to make sense of the threat of terrorism rather than deviance that had already affected the public. If, as I argued in the first chapter, deviance can have negative implications for the social order and can affect the legitimacy of authority figures, it does not make sense that Stalin and his regime would construct deviance that did not exist and call attention to it through public trials. However, as noted above, there were other inconsistencies within the social order, such as party members' criticisms of Stalin's policies, and these public trials allowed Stalin and his regime to reframe such inconsistencies as deviance rather than legitimate dissent. Defining these acts as deviance and not legitimate dissent allowed the regime to present the acts as insignificant and manageable. By controlling these confessions, Stalin was able to not only charge his fellow Bolsheviks with the assassination of Kirov, but was also able delegitimize them—portraying them not as legitimate political opponents, but as terrorists and assassins—thereby reframing any previous

criticisms from such party members as congruent with terrorism and not as valid concerns. As Ulrich, the President of the Court stated at the start of the Trial of Sixteen:

At present the Trotskyite-Zinovievite conspirators, as a reason for their fight against the C.P.S.U. and the Soviet Government, no longer advance the claim that the Party and the Soviet Government are pursuing an allegedly wrong policy, or that the C.P.S.U. and the Soviet Government are leading the country to its doom, as they lyingly and slanderously asserted in the past. As their principal motive for resorting to terrorism they now advance the successes of the building of Socialism in the U.S.S. R., the successes in the cultural and economic growth of the country, which successes, demonstrating the ideological and political bankruptcy of the Trotskyites-Zinovievites, fan their hatred of the Soviet Government still more and intensify their desire to avenge themselves on the Soviet Government for their political failure by resorting to terrorism (People's Commissariat of Justice of the U.S.S.R. 1936: 12-13).

Of course the denunciation included in these confessions also gave Stalin a valid reason to execute the defendants, which worked to quiet their voices of dissent.

#### CREDIBILITY OF THE CONFESSIONS

The public confessions of the Moscow Show Trials contain several elements that are associated with credibility. The defendants claimed to be directly responsible for their deviance and linked their identity to highly stigmatizing behavior that one would not be socially motivated to fabricate or exaggerate, such as taking part in terrorism, being jealous and bitter, having an almost pathological need for power, being willing to harm an entire country to become powerful, and conspiring with enemies of the country.

In the Trial of Sixteen, the confessors portrayed themselves as having nothing to gain from their denouncements and instead, portrayed themselves as standing to lose their social status in addition to risking punishment through prison, exile, or execution. In addition, the confessions revealed windows into various backstage areas that are normally guarded from public scrutiny and therefore may also be seen as less scripted and choreographed. The defendants provided the public with a view of secretive events that took place previous to their

arrests and involved conspiring with villainous outsiders and planning several assassinations. The defendants' confessions also included insights into the personal motivations and emotional states linked to their deviant acts. Furthermore, the public heard statements from previous interrogations from backstage areas, in which the defendants made confessions to their interrogators. This sent a message to the public that they had a window into the backstage area in which the defendants and the confessions were prepared—that the government was making the process transparent to the public.

During the trial, the prosecution gave various assurances that the defendants—whom had been depicted as deceitful and untrustworthy—were giving honest, truthful confessions. This is especially true for Zinoviev and Kamenev, whose confessions contradicted earlier statements of support for Stalin. In order to explain Zinoviev and Kamenev and other defendants' sudden honesty without crediting them with being anything less than deceitful, the prosecutor Vyshinsky explained that new evidence had led them to confess to deviance to which they would not previously confess. As Vyshinsky stated, "In spite of obdurate denials, the accused Zinoviev was compelled by the weight of evidence which was laid before him by the investigating authorities" (People's Commissariat of Justice of the U.S.S.R, August 19, 1936, Morning Session). In addition, he stated, "After persistent denials of his participation in the organization of the assassination of Comrade Kirov, the accused Bakayev, under the weight of evidence brought against him, testified" (People's Commissariat of Justice of the U.S.S.R. 1936 33). Similarly, the court reports states that Kamenev would only confess to his part in planning terroristic acts after Reingold had given sufficient evidence to incriminate him:

Comrade Vyshinsky reminds Kamenev that he admitted this only after Reingold had given his evidence; that at the preliminary investigation he did not admit this until he had been implicated by others.

*Vyshinsky:* So you confirm that you had such a monstrous plan?

*Kamenev:* Yes, there was such a monstrous plan.

*Vyshinsky:* You worked out this monstrous plan and confirm this now?

*Kamenev:* Yes, I do (People's Commissariat of Justice of the U.S.S.R. 1936: 57).

Another assurance of the credibility of the confessions was the defendants' willingness to police other defendants who were not honest. As noted above, Smirnov's fellow defendants refuted his claims that while he was a member of a terrorist organization, he did not actually take part in planning or executing any terrorist activities. In addition, according to the court report Mrachkovsky and Dreitzer declared, "Smirnov is lying!" (People's Commissariat of Justice of the U.S.S.R 1936: 53) at one point in the trial, and at another point Kamenev is said to have sneered to Smirnov, "It is ridiculous wriggling, which only creates a comical impression" (People's Commissariat of Justice of the U.S.S.R. 1936: 66). While these exchanges may have indicated that Smirnov was not completely trustworthy, they also suggested that the other confessions made were authentic and credible—if the defendants scrutinized Smirnov's confession for false statements and omissions of the truth, then it stands to reason that their general acceptance of the other members' confessions indicated that those confessions were credible.

Nineteenth century reforms in the Russian judicial system also framed the Moscow Show Trials as credible. These reforms, which included remodeling the judiciary system after Western standards, were made by Tsar Alexander II in the 1860s (Neuberger 1994; Kucherov 1952). By the 1930s the Russian court system had been established as one of the few arenas of free speech in Russia—it was typical for jurors to take the side of the defendants and manipulate the legal code to align with their own ideas of justice, and it was not uncommon for defendants to win cases against the regime (Cassidy 2000).

## DEFINING THE DEVIANCE AND ASSIGNING RESPONSIBILITY

The questioning by Vyshinsky and the defendants' confessions delegitimized the defendants and established that the deviance was rooted in a pathological need for power and were terroristic. The confessions also worked to establish that the deviance should *not* be defined as a manifestation of valid political dissent or disapproval of Stalin, and the criminals should not be defined as legitimate political opponents to Stalin or viable alternative leaders with their own political platforms.

First, the confessors referred to the deviance in which they took part, or were plotting, as terrorism and referred to themselves as terrorists, describing their deviance as political, extreme, villainous, and not valid political dissent. By defining themselves as terrorists, they implied that their terroristic actions were rooted in their own personal nature and were not a negative reflection of the larger social order. By referring to themselves as terrorists they were, as Reiman (1996) would say, acquitting the social order of any responsibility for their actions. For example, in summarizing their basic plans, Kamenev stated:

The main thing is that in 1932 both Zinoviev and we, namely, myself, Evdokimov, Bakayev and the Trotskyite leaders, Smirnov, Mrachkovsky, and Ter-Vaganyan, decided that the only means by which we could hope to come to power was to organize terroristic acts against the leaders of the C.P.S.U., and primarily against Stalin. It was precisely on this basis of a terroristic struggle against the leaders of the C.P.S.U. that negotiations for the union were conducted between ourselves and the Trotskyites (People's Commissariat of Justice of the U.S.S.R 1936: 14).

Similarly, Evdokimov claimed:

In conclusion Mrachkovsky and Smirnov proposed to unite the forces of the Trotskyites and Zinovievites and to proceed to create secret terrorist groups for the purpose of committing terroristic acts against the leaders of the Party and the Government (People's Commissariat of Justice of the U.S.S.R. 1936: 15).

Reingold stated, “As a matter of fact the bloc was a counter-revolutionary terrorist gang of assassins who strove to seize power in the country by any means whatever” (People’s Commissariat of Justice of the U.S.S.R. 1936: 16) and later, during his final pleas, explicitly stated that their actions were not legitimate political dissent, but terrorism:

It is over with the political masquerade, it is over with the shams of oppositions, discussions and platforms. Opposition was superseded by conspiracy against the state; discussions and platforms were superseded by bullets and bombs (People’s Commissariat of Justice of the U.S.S.R. 1936: 167).

The trials explored the ways in which these terroristic activities and plans originated in the resentment and animosity of Stalin’s political opponents and framed their motivation for such actions as a pathological desire for power. Kamenev presented their actions and plans as unprincipled and rooted in feelings of bitterness towards Stalin:

One would have thought that we should have stopped fighting. But the logic of the counter-revolutionary struggle, the nakedly unprincipled striving to seize power led us in the other direction. The emergence from the difficulties, the victory of the policy of the Central Committee of the C.P.S.U., caused in us a wave of animosity and hatred towards the leaders of the Party, and primarily towards Stalin (People’s Commissariat of Justice of the U.S.S.R. 1936: 14).

Kamenev made a similar statement in the following exchange with Vyshinsky:

Vyshinsky: Consequently, your struggle against the leaders of the Party and the government was guided by motives of a personal base character—by the thirst for personal power?

Kamenev: Yes, by the thirst for power of our group.

Vyshinsky: Don’t you think that this has nothing in common with social ideals?

Kamenev: It has as much in common as revolution has with counter-revolution.

Vyshinsky: That is, you are on the side of counter-revolution?

Kamenev: Yes.

Vyshinsky: Consequently, you clearly perceive that you are fighting against socialism?

Kamenev: We clearly perceive that we are fighting against the leaders of the Party and of the government who are leading the country to socialism.

Vyshinsky: Thereby you are fighting socialism as well, aren’t you?

Kamenev: You are drawing the conclusion of a historian and prosecutor (People’s Commissariat of Justice of the U.S.S.R. 1936: 69).



In addition, Ter-Vaganyan admitted that the entire group was founded on hatred:

Mrachkovsky is right when he says that the Trotskyite-Zinovievite bloc itself was really organized on the basis of the recognition that it was necessary to fight the leadership of the Party and the Government by terroristic methods (People's Commissariat of Justice of the U.S.S.R. 1936: 18).

The confessors further delegitimized themselves by demonstrating that they were untrustworthy individuals. They discussed not only how they betrayed other members of the communist party, but also how they planned to betray other members of their own terrorist organization. Reingold confessed that members of the terrorist organization planned to execute their own assassins:

Zinoviev and Kamenev did not exclude the possibility that the O.G.P.U. was in possession of the threads of the conspiracy against the State which was being prepared by them. Therefore they regarded it as their most important task to destroy every possible trace of the crimes committed. For this purpose it was proposed to appoint Bakayev chairman of the O.G.P.U. He was to be charged with the function of physically exterminating the persons who directly carried out terroristic acts against Stalin and Kirov, as well as those workers of the O.G.P.U. who might be in possession of the threads of the crimes committed...By the hand of Bakayev the Trotskyite-Zinovievite organization was to destroy its own activists, its own terrorist gunmen, who were involved in this matter (People's Commissariat of Justice of the U.S.S.R. 1936:16).

Kamenev also confirmed that the members of the organization were not trustworthy:

We assumed that in these negotiations, myself and Zinoviev would occupy the leading positions in the Party and the country, for even with Stalin we, by our policy of double dealing, had obtained, after all, forgiveness of our mistakes by the Party and had been taken back into its ranks, while our participation, that is mine, Zinoviev's and Trotsky's, in the terroristic acts would remain secret from the Party and the country (People's Commissariat of Justice of the U.S.S.R. 1936: 20).

The confessors further delegitimized themselves and reinforced the idea that they were not trustworthy by claiming that they were conspiring with outside enemies of the USSR—specifically the Gestapo and Trotsky. In addition to the fact that the confessors refer to the

terrorist organization as the United Trotskyite-Zinovievite Centre, throughout the court trial Trotsky—who had previously been painted as an enemy of the state—is referred to as the organizer and leader of the terrorist group. For instance, in his confession, Reingold noted, “I know that the Trotskyite section of the bloc received instructions from L. D. Trotsky to adopt the path of terrorism and to prepare attempts on the life of Stalin” (People’s Commissariat of Justice of the U.S.S.R. 1936: 13). Similarly, Mrachkvosky states, “According to the instructions of L. Trotsky received in 1931 by I. N. Smirnov, we were to kill Stalin, Voroshilov and Kaganovich. Stalin was to be killed first” (People’s Commissariat of Justice of the U.S.S.R. 1936: 21). Smirnov confirmed these claims, stating:

I admit that the attitude which regarded terrorism as the only way of changing the situation in the Soviet Union was known to me from a conversation with Sedov in Berlin 1931 as his own personal position. I admit that this line on terrorism was confirmed by L. Trotsky in 1932 in his personal instructions conveyed to me through Y. Gaven (People’s Commissariat of Justice of the U.S.S.R. 1936: 17).

Linking the defendants with the Gestapo further delegitimized the defendants, as Germany was an established enemy of the USSR. Paul Olberg stated:

Valentine Olberg informed me that an official of the German Secret Police told him that all persons taking part in preparing and committing terroristic acts would be given refuge in Germany (People’s Commissariat of Justice of the U.S.S.R. 1936: 25).

Similarly, M. Lurye linked his actions to the Gestapo in the following confession:

I was commissioned to do this by Franz Weitz, a German engineer-architect, member of the National-Socialist Party of Germany, representative of Himmler, now director of Gestapo...In August 1932, leaving for Germany for his vacation, Franz Weitz put me in charge of the terrorist action group and set before me the task of preparing and carrying out terroristic acts against Stalin, Kaganovich, and Voroshilov (People’s Commissariat of Justice of the U.S.S.R. 1936: 28).

The confessors even claimed that Trotsky led them to conspire with the Gestapo. In his confession, Valentine Olberg explicitly stated that their collaborations with the Gestapo were instructed by Trotsky:

Confirming also my testimony of May 9 of this year, I emphasize that my connection with the Gestapo was not at all an exception, of which one could speak as of the fall of an individual Trotskyite. It was the line of the Trotskyites in conformity with the instruction of L. Trotsky given through Sedov. The connection with the Gestapo followed the line of organizing terrorism in the U.S.S.R. against the leaders of the C.P.S.U. and the Soviet Government (People's Commissariat of Justice of the U.S.S.R. 1936: 25).

The confessors further delegitimized themselves by emphasizing that their terrorist acts were not linked to any valid plans to reform the Soviet Union, suggesting that they should not be seen as legitimate political opponents. The defendants explained that not only did they lack the ability to lead the country, but also that their actions ran counter to the ideology upon which the Soviet Party and the Revolution were founded. For instance, in the following statement, Reingold makes it clear that the defendants should be thought of as terrorists, but not competent politicians:

I have already stated above that the Trotskyite-Zinovievite united bloc had no new political program. It based itself upon the old threadbare platform, and none of the leaders of the bloc occupied themselves with, or were interested in the question of drawing up any kind of political program that was to any degree complete and consistent. The only thing that united this heterogeneous bloc was the idea of a terrorist flight against the leaders of the Party and the Government (People's Commissariat of Justice of the U.S.S.R. 1936: 16).

Similarly, the court report made the following statement in which Mrachkovsky referred to the group as counter-revolutionary and admitted that they would not be able to competently lead the country:

Asked by Comrade Vyshinsky to say definitely to whom he was referring, Mrachkovsky said that he, Mrachkovsky, and also I.N. Smirnov and Ter-Vaganyan, had jointly taken the firm decision to organize a further struggle against the Party. Mrachkovsky at the same time admits that this counter-

revolutionary group had no political platform, that “the platform drawn up in the proceeding period of 1925-1927 was upset by the fact of correctness of the general line of the Party” (People’s Commissariat of Justice of the U.S.S.R. 1936: 41).

In the following statement, Kamenev stated that without a political platform, the group would not gain the support of the masses:

The removal of this group from the leadership and the fact that it had become discredited in the eyes of the toiling masses deprived us of this trump card as well...Two paths remained: either honestly and completely to put a stop to the struggle against the Party, or to continue this struggle, but without any hope of obtaining any mass support whatsoever, without a political platform, without a banner, that is to say, by means of individual terror (People’s Commissariat of Justice of the U.S.S.R. 1936: 65).

In addition to tracing the deviance back to the defendants’ hatred and need for power, the confessors also defined the deviance as an indication of Stalin’s effective leadership. While previous research demonstrates that deviance can lead to a negative assessment of a social order (Bannister 1993; Goffman 1971; Madriz 1997; Parenti 2000; Innes 2003; Tulloch 2003; Merry 1981), the confessors of the Trial of Sixteen framed the deviance in question as fueled not only by hatred and a need for power, but by a recognition on the part of the defendants that Stalin was so effective as a leader that they could never hope to challenge his leadership or take over the Soviet Union through any sort of legitimate political challenge.

The confessors framed their plans of terrorism as acts of desperation and explained that desperation on the part of the regime’s challengers was a sign of effective governance. These themes can be found throughout the trial. For instance, Reingold explained that there was a direct link between Stalin’s effective leadership and the defendants’ plots of terrorism:

Stalin combines in himself all the strength and firmness of the present Party leadership. Therefore Stalin must be put out of the way in the first place. Kamenev enlarged on the theory and said that the former methods of fighting, namely, attempts to win the masses, combinations with the leaders of the Rightists, and banking on economic difficulties have failed. That is why the only

method of struggle available is terroristic acts against Stalin and his closest comrades-in-arms, Kirov, Voroshilov, Kaganovich, Orjonikidze, Postysheve, Kossior and the others (People's Commissariat of Justice of the U.S.S.R. 1936: 55).

Kamenev also linked his decision to resort to terrorism to Stalin's leadership, which he claimed was recognized by the masses:

The terrorist conspiracy was organized and guided by myself, Zinoviev and Trotsky. I became convinced that the policy of the Party, the policy of its leadership, had been victorious in the only sense in which the political victory in the land of socialism is possible, that this policy was recognized by the masses of the toilers. Our banking on the possibility of a split in the Party also proved groundless (People's Commissariat of Justice of the U.S.S.R. 1936: 65).

According to the court report, Reingold spoke not only of the effectiveness of Stalin, but also praised the general state of the country's economic and political system:

Kamenev appraised the situation in approximately the same way as Zinoviev and backed his conclusions by an analysis of the economic and political situation in the country. Kamenev arrived at the conclusion that after all, things were not moving towards catastrophe but ever on upgrade; therefore, all expectations of an automatic collapse were groundless, and the leadership that had grown up was made of too hard a granite to expect that it would split of itself. For this Kamenev drew the conclusion that the leadership will have to be split (People's Commissariat of Justice of the U.S.S.R. 1936: 16).

## CLOSURE

In the Trial of Sixteen, the government's attempts to provide closure through exclusion were coordinated with the content of the defendants' confessions. Following the conclusion of the trial, the prosecutor famously declared, "I demand that dogs gone mad should be shot—every one of them" (People's Commissariat of Justice of the U.S.S.R. 1936: 164)! The defendants were executed within hours of the trial. In addition to being physically excluded from society, the defendants were also excluded from much of the Bolshevik Party's history—records were rewritten and photographs were retouched to make it appear as though the defendants had played a much smaller role within the party.

Examples of this marginalization can be seen in the photos below. The photo to the left was taken during a speech by Lenin at Sverdlov Square in 1920. Kamenev and Trotsky are standing on the steps to the right of platform. The photo to the right was published during the Stalin's reign, after Kamenev and Trotsky had been airbrushed out of the photo (King 1997).



**Figure 1: Photo with and without Kamenev and Trotsky**

Another example of attempts by the Stalin regime to exclude the defendants from Bolshevik Party history can be seen in the picture below. Trotsky, Khalatov, and Kamenev appear in the original photo, but have been airbrushed from the photo on the right (King 1997).



**Figure 2: Photo with and without Trotsky, Khalatov, and Kamenev**

Omitting the confessors not only from society, but from the party's history is consistent with Garfinkel's (1965) assertion that at the end of a degradation ceremony, "the denounced person must be ritually separated from a place in the legitimate order, i.e., he must be defined as standing at a place opposed to it. He must be placed 'outside' he must be made 'strange' (424).

The narratives of the trial's confessions made this exclusion seem like a logical outcome—the confessors portrayed themselves as unredeemable and therefore, not eligible for rehabilitation. In addition to defining their deviance as rooted in the self and aligning themselves with outside villains, the confessors also stated that previous attempts at inclusion had failed, that the party had exhausted all possibilities of inclusion, and that they did not deserve forgiveness, mercy, or other forms of inclusion.

The Moscow confessions revolved around defining deviance and delegitimizing the defendants; the defendants demonstrated that they were overcome by hatred and an almost pathological need for power. By locating the deviant acts largely within the self, the confessors portrayed themselves as inseparable from the deviance and therefore unsalvageable. Had the confessors presented their deviance as a mistake, as a straying from their true nature, or as largely the result of outside influences, they could have presented themselves as individuals who could be rehabilitated, which would have made inclusion seem like a potential option for closure. Furthermore, because their confessions were framed as the result of irrefutable evidence and not remorse, a personal transformation, or an effort to align themselves with the dominant ideology, even their act of confessing did not neutralize the delegitimizing statements they made about their characters.

The confessors supported the decision for exclusion by reminding the court that they had previously been forgiven for betraying Stalin and allowed to remain part of the Bolshevik Party and that they had taken advantage of this inclusion to plot the very terroristic actions for which they were on trial. These statements implied that if not excluded in some way, the defendants would merely betray the country once again. For instance, Reingold stated:

They believed—I am speaking of the leaders of the Trotskyite-Zinovievite center—that the fact that we were forgiven while Stalin was still alive, the fact that

confidence was placed in us, would ensure our coming nearer to the leadership and to power; and following this, after Zinoviev, Kamenev and their supporters had come into power, they would ensure the return also of Trotsky to the leadership and to power (People's Commissariat of Justice of the U.S.S.R. 1936: 20).

Similarly, during his final pleas, Kamenev reminded the court that the previous decision to forgive him had merely led to his betrayal:

The proletarian revolution gave us ten years in which to reform and to realize that we were in error. But we did not do that. Three times was I reinstated in the Party. I was recalled from exile merely on the strength of my personal statement. After all the mistakes I had committed I was entrusted with responsible missions and posts. This is the third time I am facing a proletarian court on the charge of terroristic intentions, designs and actions. Twice my life was spared. But there is a limit to everything, there is a limit to the magnanimity of the proletariat, and that limit we have reached (People's Commissariat of Justice of the U.S.S.R. 1936: 169).

Zinoviev also stated in a more general sense that the party had tried to "save" the defendants and had given them several chances to realign themselves with the party, but that they had continued to betray the party:

The Party saw where we were going and warned us. In one of his speeches Stalin pointed out that tendencies may arise among the opposition to impose its will upon the Party by violence. At one of the conferences held before the XIV Congress of the Party, Dzerzhinski called us Kronstadtists. Stalin, Voroshilov, Orjonikidze, Dzerzhinski and Mikoyan did all they could to persuade us, to save us. Scores of times they said to us: you may do enormous harm to the Party and the Soviet government, and you yourselves will perish in doing so. But we did not heed these warnings. We entered into an alliance with Trotsky. We filled the place of the Mensheviks, Socialist-Revolutionaries and whiteguards who could not come out openly in our country (People's Commissariat of Justice of the U.S.S.R. 1936: 170).

Similarly, Smirnov states, "I returned to the Party in 1929-30, and the Party did all it could to help me get on the right track. But I was unable to justify its confidence" (People's Commissariat of Justice of the U.S.S.R. 1936: 171).



Finally, although the confessors do not show any signs of remorse, they state that they do not deserve mercy, forgiveness, or any sort of inclusion. For instance, Mrachkov flatly stated, "I depart as a traitor to my Party, as a traitor who should be shot" (People's Commissariat of Justice of the U.S.S.R. 1936: 166). Similarly, Evdokimov explained:

I don't consider it possible to plead for clemency. Our crimes against the proletarian state and against the international revolutionary movement are too great to make it possible for us expect clemency (People's Commissariat of Justice of the U.S.S.R. 1936: 167).

In addition, Dreitzer stated:

The political importance and the past of each of us were not the same. But, having become assassins, we have all become equals here. I, at any rate, am one of those who have no right to expect nor to ask for mercy (People's Commissariat of Justice of the U.S.S.R. 1936: 167).

By constructing confessions that portrayed themselves as untrustworthy terrorists who deserved to be shot, rather than political opponents taking part in legitimate political dissent, the confessors framed the court's decision to execute them as just, and in doing so, framed Stalin as just. This is consistent with della Porta's (1996) work which shows that a government's ability to label members of a social movement as terrorists generally leads to public disapproval and greatly hinders their success. However, the public will tend to see a government as authoritarian and undemocratic if it intervenes in protests. If the public sees a government that intervenes in protests as undemocratic they would certainly see a government that executes members of its own party for valid political dissent as undemocratic as well.

Because confessions involve taking responsibility for one's deviance (Foucault 1977), confessors ultimately take responsibility for their punishments as well. In this case the confessors delegitimized themselves by self-labeling as terrorists and took responsibility for their own executions. In contrast, had the dissent of Stalin's opponents been framed as legitimate and

acceptable, he would have been forced to either allow them to remain part of the party and contend with their dissent or to execute them and face criticisms of being an oppressive tyrant for executing party members with legitimate concerns.

## LEGITIMACY

The confessions of the Trial of Sixteen—made accessible not only to the public of the USSR but also to the global press—contained multiple themes associated with reinforcing the regime's legitimacy. While Stalin wasn't elected to his position, the trial's confessions portrayed him as being backed by the public and as being an effective leader who represented the public's interests. It is no surprise that the confessions endorsed Stalin and reinforced his legitimacy, since the inconsistency that originally prompted the trial and the confessions was the fact that while the Bolshevik Party claimed to represent the people, Stalin was acting as a dictator, was facing severe criticisms from his own party, and had already had one party member assassinated. The confessions attempted to reinforce the legitimacy of Stalin, and the social order more generally, in several ways.

First, by delegitimizing the defendants and their actions and reframing any previous criticism from such party members as congruent with terrorism, the confessions worked to protect Stalin's legitimacy from such challengers. Second, by framing their deviance as acts of desperation prompted by jealousy and bitterness, and contrasting these measures with Stalin's ability to govern, the confessions presented their deviance as evidence of Stalin's effectiveness and legitimacy.

Third, the confessions demonstrated that the regime's policing agents were very effective in uncovering terroristic plots and preventing deviance. While deviance may typically lead to a negative assessment of a social order, the fact that, with the exception of Kirov's assassination,

the confessions demonstrated that policing agents were able to arrest and try the defendants before they were able to execute their plots of terrorism also served as a testament to the effectiveness of the social institutions. In a sense, through such confessions Stalin attempted to take advantage of the reactive measures of social control that might increase solidarity and reinforce notions of social boundaries, without first having to sustain the social damage inflicted upon society by deviance. In short, the confessions demonstrated that the regime was able to successfully prevent terrorism, which suggested that Stalin was effective in preventing deviance from disrupting the social order, and in turn presented him as an effective leader.

The connection between the defendants' confessions and Stalin's legitimacy was further reinforced through Vyshinsky's speech for the prosecution. Within this speech Vyshinsky revisited the confessions made earlier in the trial, noted that they were terroristic acts sparked by jealousy and recognition of Stalin's effective leadership, and then proceeded to extol the many ways in which Stalin had led the country to prosperity. Vyshinsky repeatedly stated that Stalin was loved and supported by the masses:

To the murderers' treacherous shot of December 1, 1934, the whole country replied with unanimous execration. The whole country, millions and tens of millions of people, were aroused and once again proved their solidarity, their unity, their loyalty to the great banner of the Party of Lenin-Stalin. The land of Soviets rose up like an unshakable, iron wall in defense of its leaders, its guides, for every hair of whose heads these criminal madmen will answer with their lives. In this boundless love of millions of toilers for our Party, for its central Committee, and for our Stalin and his glorious Comrades-in-arms, in this infinite love of the people lies the strength of the defense and protection of our leaders, the guides of our country and Party, against traitors, murderers and bandits... Our great fatherland is joyously flourishing and growing. The fields of innumerable collective farms are rich with a golden harvest. Thousands of new socialist, Stakhanov factories and works are pulsating with life. Harmoniously and wonderfully our railways are working for the welfare of our fatherland, and from end to end of the country Krivonoss passenger and freight trains are speeding over the glistening ribbons of steel. Firm as granite stands our Red Army, surrounded with the love of the people, guarding the frontiers of our native land. The names of our wonderful Bolsheviks, the tireless and gifted builders of our state - Sergo

Orjonikidze, Klim Voroshilov, Lazar Moisseyevich Kaganovich, the leaders of the Ukrainian Bolsheviks - Kossior and Postyshev, and the leader of the Leningrad Bolsheviks, Zhdanov, are near and dear to the hearts of us and all those who are filled with filial love for their motherland. With great and unsurpassed love, the toilers of the whole world utter the name of the great teacher and leader of the peoples of the U.S.S.R. - Joseph Vissarionovich Stalin! ...

Under the leadership of our Party and the Soviet government the peoples of the U.S.S.R. brought about the great industrialization of our country, increased its means of production tenfold, multiplied its national wealth and thereby created the conditions for a happy and joyous life for all the toilers of the Soviet land of socialism. The victory of socialism is first and foremost the victory of our own Bolshevik Party, of its Leninist-Stalinist general line, of its Leninist-Stalinist leadership, of its Central Committee, headed by the great Stalin...

On the basis of these victories there has been created the indestructible union of all the toilers for the further reinforcement and development of socialism; there has been created and cemented the union and friendship of all the peoples of the U.S.S.R. for the building of socialism, for defense against our enemies, against the enemies of socialism. These victories have completely changed the entire face of our country, which has been raised to an unprecedented level of economic and cultural development...

These victories have brought the working class of the U.S.S.R. enormous improvement in their material well-being. It is now many years since unemployment has been eliminated and the seven-hour day, against which the "heroes" now in the dock always persistently and treacherously fought, has been introduced. Our country has achieved unprecedented successes, impossible in any capitalist country, in developing a new, really human, socialist culture... These victories have brought our whole country, every factory worker and collective farmer, every office worker and intellectual, a happy and a well-to-do life. And these victories are the guarantee of the unity of all the Soviet people with our government, with our Party and with its Central Committee. Are not the wide, mass, popular conferences, conceivable only in our country, of the leading people of our factories and works, of our transport system, of our cotton and sugar beet fields, of live-stock breeders, of combine and tractor drivers, of Stakhanovites and Krivonossites with the leaders of the Party and the government the best proof of this indestructible, genuine unity and solidarity of masses of the people with the great Stalin, with our Central Committee, with our Soviet government? This is a manifestation of genuine Soviet, true democracy! And is not the mighty wave of popular wrath, now sweeping from one end of the country to the other against these despicable murderers, a striking evidence of this unity (People's Commissariat of Justice of the U.S.S.R. 1936: 120-22)?

## RECEPTION AND AFTERMATH

As the trials were made accessible not only to the Soviet public, but also to the global community, it seems likely that Stalin was interested in demonstrating his legitimacy not only to

a domestic audience but to an international audience as well. While there is no formal research that measures the reception of the trials within either audience, there are various clues that indicate that the reception of the trials was positive or mixed originally and over time came to be seen in a negative light.

While it is difficult to judge the reaction of the Russian public to the Trial of Sixteen under Stalin's regime—since political dissent was punishable by execution and the media was controlled by the government—it has generally been acknowledged that the Russian public felt oppressed during the Great Purge and did not see Stalin's efforts to gut the country of any potential challengers or problematic populations as valid measures that ensured the wellbeing of the society (Carmichael 1976). As Carmichael states:

People abruptly grew timid even with their best friends; no one would speak openly with anyone. The most that might happen between people who did know each other well was that one might speak very carefully in highly veiled, oblique language; even that made people very nervous. As the terror began in earnest in the middle thirties the chasm between what anyone could in fact believe and what he was called upon to believe by the regime, now bristling with weapons in every cell of its being, yawned fantastically (144).

Even if the public initially believed the confessions of the Trial of Sixteen, as time passed and the Great Purge claimed more and more innocent victims, the public became, in retrospect, skeptical of the confessions.

The reaction to the Moscow Show Trials in Western societies was mixed. Some Western supporters of communism stood by Stalin and the results of the Moscow Show Trials (Conquest 1990; Snyder 2010). For instance, twenty-eight well known American progressives signed a “Statement of American Progressives on the Moscow Trials” supporting the results of the trials,<sup>4</sup> and a study by Joseph Redman (1958) shows that the Daily Worker—published by the

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<sup>4</sup> See Appendix A for a list of those who signed the “Statement of American Progressives on the Moscow Trials.”

Communist Party of Great Britain—also supported Stalin over the defendants of the Moscow Show Trials. However, many other Westerners were skeptical of the authenticity of the trials.

For example, a New York Times editorial from March 1, 1938 states:

It is as if twenty years after Yorktown somebody in power at Washington found it necessary for the safety of the State to send to the scaffold Thomas Jefferson, Madison, John Adams, Hamilton, Jay and most of their associates. The charge against them would be that they conspired to hand over the United States to George III (20).

In 1937, John Dewey led the Commission of Inquiry into the Charges Made against Leon Trotsky on behalf of American supporters of Trotsky and found evidence that contradicted the confessions made during the trial. Piatakov testified that in December 1935 he had flown to Oslo to meet with Trotsky in order to plan the assassinations, but records show that no such flight took place. In addition, Smirnov testified that he had taken part in the assassination of Kirov in December of 1934, but records show that he had been imprisoned at the time. The Preliminary Commission of Inquiry into the Charges Made Against Trotsky in the Moscow Trials (1937) concluded:

1. That the conduct of the Moscow Trials was such as to convince any unprejudiced person that no attempt was made to ascertain the truth. 2. That while confessions are necessarily entitled to the most serious consideration, the confessions themselves contain such inherent improbabilities as to convince the Commission that they do not represent the truth, irrespective of any means used to obtain them. 3. That Trotsky never instructed any of the accused or witnesses in the Moscow trials to enter into agreements with foreign powers against the Soviet Union [and] that Trotsky never recommended, plotted, or attempted the restoration of capitalism in the USSR.

The two show trials that followed, the Trial of the Seventeen and the Trial of the Twenty One, involved such farfetched conspiracy theories about formerly prominent and respected communists that many found the trials absurd, which likely led to further doubts about the authenticity of the confessions in the Trial of Sixteen. In 1956, in his Speech to 20th Congress of

the C.P.S.U., which became known as the Secret Speech, Khrushchev criticized the Moscow Show Trials, attacked the credibility of the public confessions, and acknowledged that many who had perished during the Great Purge were innocent of crimes against the state:

Stalin acted not through persuasion, explanation, and patient cooperation with people, but by imposing his concepts and demanding absolute submission to his opinion. Whoever opposed this concept or tried to prove his viewpoint, and the correctness of his position, was doomed to removal from the leading collective and to subsequent moral and physical annihilation. This was especially true during the period following the XVIIth Party Congress [1934], when many prominent Party leaders and rank-and-file Party workers, honest and dedicated to the cause of Communism, fell victim to Stalin's despotism. . . .

Stalin originated the concept enemy of the people. This term automatically rendered it unnecessary that the ideological errors of a man or men engaged in a controversy be proven; this term made possible the usage of the most cruel repression, violating all norms of revolutionary legality, against anyone who in any way disagreed with Stalin, against those who were only suspected of hostile intent, against those who had bad reputations. This concept, enemy of the people, actually eliminated the possibility of any kind of ideological fight or the making of one's views known on this or that issue, even those of a practical character. In the main, and in actuality, the only proof of guilt used, against all norms of current legal science, was the "confession" of the accused himself; and, as subsequent probing proved, confessions were acquired through physical pressures against the accused.

This led to the glaring violations of revolutionary legality, and to the fact that many entirely innocent persons, who in the past had defended the Party line, became victims. . . . The Commission [of Inquiry] has become acquainted with a large quantity of materials in the NKVD archive and with other documents and has established many facts pertaining to the fabrication of cases against Communists, to false accusations, to glaring abuses of socialist legality—which resulted in the death of innocent people. It became apparent that many Party, Soviet and economic activists who were branded in 1937-1938 as enemies were actually never enemies, spies, wreckers, etc., but were always honest Communists; they were only so stigmatized, and often, no longer able to bear barbaric tortures, they charged themselves with all kinds of grave and unlikely crimes...

It is not entirely clear as to whether or not Khrushchev's "secret" speech was meant to reach the public (Rettie 2006). (While the speech was held shortly after midnight in a closed session to congress and was officially distributed to members of the Soviet Party across the USSR, within months it had been leaked throughout the world and was published in multiple

Western newspapers.) In any case, the speech worked to either acknowledge what the public already knew—that the Moscow Show Trials were staged and that the confessions were false—or to introduce them to this information.

This speech marked the beginning of what is referred to as the Khrushchev Thaw and the de-Stalinization of Russia, in which Khrushchev worked to delegitimize Stalin and reverse the atmosphere of repression and censorship that Stalin had created in the USSR (Taubman 2004). These measures included releasing millions of political prisoners from the Gulag labor camps, severely decreasing censorship within the USSR, and removing many of the public monuments and other forms of recognition of Stalin (Taubman 2004). In many ways Khrushchev's secret speech functioned in a similar way to a confession. While Khrushchev failed to admit that he had been a part of Stalin's regime and did not link his identity to the discrediting acts of the Moscow Show Trials, his speech carried much of the credibility of confessions in that he acknowledged a wrongdoing that he had an interest in concealing (as it was unheard of to criticize Stalin at the time) and gave the audience a view into backstage areas that seemed more authentic and real than the polished presentation normally associated with politicians. Furthermore, he used this narrative to address inconsistencies within the social order—namely the gap between the communist ideology and Stalin's practices.

In September 1987, Gorbachev created a special commission to investigate the deviance committed under Stalin's rule. In the following years defendants in the Moscow Show Trials were posthumously rehabilitated, Khrushchev's Secret Speech was published in full in Russia, and it was announced that anyone who had been convicted by troikas during the Great Purge should be considered rehabilitated (Werth 2010).



While Stalin and his regime may have used the confessions of the Moscow Show Trials to protect the social order and his legitimacy by reframing a political rift as terrorism, quieting dissenters, and finding an acceptable means to execute his opponents, in the end, the show trials worked not only to highlight the inconsistencies within the social order, but to deepen them. In the struggle between Stalin and his opponents to define the situation, his own actions worked as evidence to support the definition of the situation set forth by his opponents: he was not fit to govern. Knowing that these confessions were not only coerced, but false, contradicts everything that gives confessions special credibility and authenticity. As the public came to understand that the confessions were not a window into a backstage area but actually a window to a contrived and elaborate front stage performance—built on the torture and execution of innocent individuals—Stalin and his regime became more and more discredited.

“During the early 80s the government publicity and propaganda machine was also operating full time. One just has to think of the speeches made by political leaders like P W Botha, Magnus Malan and other cabinet ministers. Everything revolved around the so-called "swart kaffir," the communist and terrorist. Terms like Black Consciousness and Solidarity were turned into something negative. I believed that, which I now see to be propaganda.” – Brian Mitchell

### **The South African Truth and Reconciliation Commission**

The South African Truth and Reconciliation trials were part of the Promotion of National Unity and Reconciliation Act of 1995, after apartheid was abolished and Nelson Mandela came to power. They were organized and conducted by Archbishop Desmond Tutu.

The previous regime’s policies of apartheid—which dictated that Whites and Blacks (a category which often encompassed other non-Whites as well) be separated “socially, politically, and physically,”—was often carried out through “violent means such as murder, detention, and abuse (Goodman 2009)” and had led to human rights violations throughout the country. This deviance both targeted and was committed by White and Black South Africans and concerned a number of different political affiliations, but was generally assumed to be linked to racial tensions (Verwoerd 2007). In addition, there was a history of violence within the Black population, as well as tensions between South Africans of Dutch and British descent (Beck 2000; Giliomee 2003).

### **APARTHEID**

Apartheid was the outcome of a colonization process that began in 1652 when the Dutch (also known as Boers or Afrikaners) arrived in South Africa, enslaving indigenous Africans and importing slaves from Indonesia and Malaysia (Giliomee 2003). The British, who arrived in the early 1800s, further colonized and oppressed the non-Whites of South Africa (Thompson 2000; Giliomee 2003). The 1800s also marked the rise of the Zulu Kingdom, which was characterized by violent power struggles and enslavement (Morris 1965). The nineteenth century involved

multiple violent clashes between the Dutch, the British, and the Zulu, as well as conflicts between various Zulu kings. During the 1900s, the British had emerged as the dominant force in South Africa and began institutionalizing apartheid through a number of policies.

By 1948, the Afrikaner-dominated National Party had come to power and the new policies in the 1950s further regulated the interactions of Whites and non-Whites (Beck 2000). In 1970, all non-White political representation was abolished, and Black South Africans were no longer considered citizens of the country. Antiapartheid political organizations, along with antiapartheid activism, were banned (Beck 2000).

During the 1980s, the African National Congress, with no legitimate methods of political dissent available, sought to make black townships ungovernable through rent boycotts, militant actions, and violence targeting those thought to be government agents (Thompson 2001). In return, the government gave the police and military increased power in an attempt to quell the unrest (Thompson 2001), which led to increased violence. As a result the government declared a state of emergency in July of 1985, which was redeclared annually until 1990 (Christie 2000: 28). In 1989, the State President P. W. Botha had to step down after suffering a stroke, and was replaced by Frederik Willem de Klerk, who quickly lifted the ban on the African National Congress, released Nelson Mandela from prison, and negotiated the end of apartheid in South Africa (Thompson 2001). In 1994, in the first multiracial democratic elections were held and Nelson Mandela was elected.

After coming to power, Mandela created the Truth and Reconciliation Commission with the goal of providing closure concerning gross human rights violations that took place between 1960 and 1994, by uncovering the truth concerning these criminal events—as the fate of some victims remained a mystery to their loved ones—and by promoting cultural change and inclusion

within South Africa 1990 (TRC 1998, vol. 1: 4-7). The TRC consisted of seventeen members appointed by Mandela and divided into three committees—Human Rights Violations, Rehabilitation and Reparation, and Amnesty. The commission consisted of seven Africans, two ‘coloureds’, two Indians, and six Whites. Seven of the commissioners were women, and ten were men. The Human Rights Violations Committee was organized to investigate rights violations that occurred between 1960 and 1994 and heard testimony from victims and survivors (TRC 1998, vol. 1: 55).

The Rehabilitation and Reparation Committee sought to restore victims’ dignity and formulated proposals to help individuals with rehabilitation, which often involved crafting policies and making payments to victims (TRC 1998, vol. 1: 106-110). The Amnesty Committee sought to uncover truth and promote inclusion within South Africa, by holding trials in which perpetrators were given the opportunity to confess to gross human rights violations—defined as “killing, torture, abduction and severe ill treatment”<sup>5</sup> and were considered for amnesty (TRC 1998, vol. 1: 80-81).

An extensive body of research on the TRC has been conducted by legal and political theorists as well as anthropologists and sociologists. Much of the work focuses on the moral implications of granting amnesty (Asmal, Asmal, and Roberts 1996; Buur 2001; Graybill 1998;

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<sup>5</sup> The following acts were regarded as “severe ill treatment”: “a) rape and punitive solitary confinement; b) sexual assault, abuse or harassment; c) physical beating resulting in serious injuries; d) people shot and injured during demonstrations; e) burnings (including those caused by fire, petrol, chemicals, and hot liquid); f) injury by poison, drugs, or other chemicals; g) mutilation (including amputation of body parts; breaking of bones, pullout of nails, hair, or teeth or scalping; h) detention without charge or trial; i) banning or banishment (a punishment inflicted without due process, consisting (a) of the restriction of a person by house arrest, prohibition from being in a group, prohibition from speaking in public or being quoted, or (b) of the enforced transfer of a person from one area to another without the right to leave it); j) deliberate withholding of food and water to someone in custody with deliberate disregard to the victim’s health or well-being; k) deliberate failure to provide medical attention to ill or injured persons in custody; l) the destruction of a person’s house through arson or other attacks which made it impossible for the person to live there again” (TRC 1998, vol. 1: 81).

Wilson 1995; Wilson 2001), the purpose for the trials (Bozzoli 1998; Dyzenhaus 2000; Geula 2000; Gibson 2005; Goodman 2009; Moosa 2000; Sarkin 1996;), and the psychological effects of such trials (Statman 2000; Wilson 2000).

My work is consistent with the work of Goodman (2009), which portrays the TRC hearings as a cultural performance, and the work of Wilson (2001), which demonstrates that the trials were meant to legitimize the new government. Goodman (2009) states that the TRC hearings were a “modern ritual of performance” (p. 3) and that the trials “became a public space of storytelling and witnessing to which the nation, and the world, were invited” (p. 3); they “set the stage for a new national narrative” (p. 3). Wilson’s work presents the trial as a way to reinforce legitimacy, build national unity, and create an inclusive culture. I hope to make a contribution to the existing scholarship on the TRC as well as the work on public confessions, by examining the role the perpetrators’ confessions played in the TRC Amnesty Hearing.

## THE TRIALS

The trials originated in Cape Town, but were held in multiple locations across the country, including Phokeng, Pretoria, Kroonstad, East London, Durban, Potchefstroom, Pietermaritzburg, Johannesburg, Bloemfontein, Nelspruit, Benoni, Pietersburg, Port Elizabeth, Kimberley, Boksburg, Aliwal North, Umtata, Sebokeng, Ermelo, Mmabatho, Mabopane, Carltonville, Hammersdale, Vanderbijl Park, Pinetown, Welkom, Palm Ridge, Vereeniging, Tzaneen, Klerksdorp, Thohoyandou, King William’s Town, White River, Middleburg, and Messina. The Amnesty Committee visited some of these locations multiple times in order to hear the cases of all the perpetrators from the area.

The trials were held in public halls accessible to both the media and citizens and were broadcast throughout South Africa via radio and television (Abrahamsen and van der Merwe

2005). In addition, the hearings were widely covered by the international press. Alex Boraine (2000), vice chairperson of the committee, describes the public nature of the trials, due to the heavy media coverage:

We were also visited by hordes of journalists from South Africa and beyond our borders...I had always imagined that the media would be interested in the Commission, and in particular that they would be there in large numbers for our first hearings. Never in my wildest imaginings did I think that the media would retain its insatiable interest in the Commission throughout its life. Not a day passed when we were not reported on radio. We were seldom absent from the major television evening news broadcasts, and we were, if not on the front page, on the inside pages of every newspaper throughout the two and a half years of our work. Although it is not easy to be under constant scrutiny, I think the Commission owes the media an enormous debt of gratitude. Through their very conscientious work they involved the whole country in the work of the TRC. Unlike many other truth commissions, this one was center stage, and media coverage, particularly radio, enabled the poor, the illiterate, and people living in rural areas to participate in its work so that it was truly a national experience rather than restricted to a small handful of selected commissioners (p. 89).

During these trials, Archbishop Desmond Tutu used the public confessions of human rights violators to delegitimize apartheid, while reinforcing President Nelson Mandela's new political ideology. Throughout the trials, the perpetrators attempted to demonstrate that the human rights violations they took part in were a manifestation of the apartheid of the previous regime and were not rooted in their personal characters. This framing helped bolster the notion that widespread cultural transformation was possible and reinforced ideologies of inclusion.

The TRC was unique in that governments using similar initiatives to address periods of violence had issued a blanket amnesty for perpetrators and had not called for public confessions (Abrahamsen and van der Merwe 2005). The truth-seeking initiatives of the past typically involved only victims' testimonies and were conducted behind closed doors (Boraine 2000). The South African commission's work concerning the victims of human rights violations was concluded in 1998, while the work involving amnesty took much longer than was originally

expected and was not officially concluded until 2003. Much of my analysis focuses on the confessions made during the trials conducted by the Amnesty Committee (TRC 2009).

According to the Amnesty Committee, in order to qualify for amnesty, the perpetrators—most of whom had previously been convicted and sentenced for their crimes—were to make full confessions, demonstrate that they had committed these acts with a political objective in mind, and state that their actions had been ordered by a political party or the state. The committee also considered the motive, context, and gravity of the action when granting or refusing amnesty. The perpetrators knew that whether or not they were granted amnesty would depend on whether or not their confession and the details of the case furthered the objectives of the Promotion of National Unity and Reconciliation Act—the purpose of which was to promote solidarity and reconciliation within the country. Perpetrators who were granted amnesty could not be criminally charged for the same act, while those who were refused amnesty remained liable for their actions. The committee reviewed cases of a number of different perpetrators from different racial and ethnic backgrounds and with different political affiliations.

Each candidate was required to submit an application prior to the trial that involved a full confession, the details of their deviance, the results of their previous court trials, and their argument for applying for amnesty. The applicants were allowed legal representation throughout the application process as well during the trial. The applications were referred to frequently during the trials, and perpetrators were typically asked to restate and elaborate upon the confessions made in their applications. Witnesses were invited to give accounts of the deviance and family members of the victims were questioned concerning their opinions as to whether or not the perpetrators should be granted amnesty. In cases in which multiple perpetrators were

involved in a human rights violation, they were tried consecutively in order to gain a better understanding of the case.

The TRC made a five volume report of their findings available to the public and posted the transcripts of the hearings on the official TRC website. The courtroom transcripts include not only the confessions of perpetrators but also the testimonies of witnesses, statements made by the victims' families, and the questions and remarks of attorneys and judges who, at times, summarized and framed the events in question in accordance with the goals of the Commission. In addition to the courtroom transcripts, the court released official statements announcing amnesty verdicts, which include brief summaries of the cases, whether or not amnesty was granted, and an explanation for their decision.

A total of 7,116 applications were processed (TRC 2009). Amnesty was granted in full for 1,167 applicants. Amnesty was granted for certain incidents, but refused for other incidents for 139 applicants, and applications were withdrawn for 6 applicants. For 5,143 applicants, amnesty was administratively refused with no hearing. In another 362 cases, amnesty was refused after hearings. Another 258 applications were withdrawn and 40 applications were duplicates. In one case, amnesty was not applicable, and the applicant was acquitted.<sup>6</sup>

## INCONSISTENCIES WITHIN THE SOCIAL ORDER

The confessions of the TRC Amnesty Hearings addressed deviance that highlighted inconsistencies within the previous social order affecting large segments of the population. The previous regime had consistently fostered racial hostilities through apartheid and racist cultural narratives, but had largely refused to take responsibility for the ensuing violence and had

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<sup>6</sup> The Truth and Reconciliation Report Commission of South Africa Report does not include demographic information about the amnesty applicants.



prosecuted both White and non-White citizens who took part in such violence. Strict measures to segregate the various populations in South Africa and to oppress non-Whites sparked social movements to challenge apartheid, which police and military forces attempted to control through violence. This in turn led to more violence on behalf of anti-apartheid agents.

The government further developed these inconsistencies by officially condemning the human rights violations while framing anti-apartheid organizations in ways that further incited violence. The oppression of non-Whites involved “banning activists and their political organizations, placing people in detention without trial (where many died or languished for years, sometimes in isolation)...and assassinating antiapartheid political leaders” (Goodman 2009: 4). Officials in security forces routinely turned to unlawful actions, particularly extrajudicial killings, in an attempt to control social movement organizations, which led to “a culture of impunity throughout the security forces” (TRC 1998, vol. 5: 251).

The National Party, who prohibited communist ideology, framed antiapartheid movement organizations as part of a communist onslaught or “red danger” (Goodman 2009). According to Goodman (2009), White South Africans came to associate antiapartheid movements with enemies, terrorists, communists, and atheists, leading them to the belief that Black South Africans were not “worthy of belonging to a moral community” (p. 7). The National Party also engaged in various forms of media censorship, making it difficult for White South Africans to find information contradicting the National Party’s official framing of antiapartheid movement organizations (Goodman 2009).

Over the decades, some Whites came to fear a violent Black takeover, which led to an increase in violence from White right wing movements and more retaliation from antiapartheid social movement organizations. In short, the National Party simultaneously condemned human

rights violations and refused to acknowledge any responsibility for these actions, while they exacerbated the racial hostilities that led to human rights violations and even directly took part in such violations themselves (Goodman 2009).

The evidence of these inconsistencies was widespread. Between 1960 and 1990 16.5 million South Africans were criminalized under the National Party's apartheid laws, 4 million were forcibly removed from their homes and land, 80,000 were given detention without trials (which includes more than 15,000 children under the age of fifteen), and almost 15,000 were charged in court under security legislation (Christie 2000: 21-22). Between 1984 and 1993 there were 15,843 fatalities as a result of political violence (Christie 2000: 28).

Human rights violations were sometimes handled in a similar way as nonpolitical deviance by the National Party—the deviant acts were seen as rooted in the individuals, not the social order—and individuals were punished accordingly. At other times, the deviant acts were framed as linked to terrorism and communism rather than as linked to inconsistencies within the social order. Some perpetrators of political deviance—particularly Black perpetrators—reframed their deviance as nonpolitical in order to avoid being associated with terrorism and thus subject to severe punishments, including torture. For instance, in the following example Philemon Maxam, a Black defendant,<sup>7</sup> explains why he did not originally define his deviance as political in nature:

On the day of my arrest one of the police who were amongst those who were arresting me said that, Makina, I know you and me were playing together while we were still young. He told me not to say anything concerning politics, because these people would torture me and they would kill me. I then met this police in prison again. He said that, he confirmed this. He said that if I mentioned anything about politics these police would have killed me. It was very difficult for me to

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<sup>7</sup> Maxam was charged with murdering a Black housekeeper and a Black gardener in the course of robbing a White family's house in search of fire arms.

talk about politics in the trial. Secondly, at the time of the trial there was no hope as I have, I was, I had no hope as I have hope to this Commission. Thirdly, if you would be arrested concerning a political activity you would not get a parole in prison. It was very difficult to get a pay, a bail. There were no indemnity for political reasons in those years. If you would be involved in politics at the time, if you were arrested you would be arrested for a long time and they would torture you. Those are some of the reasons why I did not mention directly my involvement in politics.

Despite the abolition of apartheid and the election of Nelson Mandela, this new social order contained serious inconsistencies—while the regime advocated for an inclusive, peaceful South Africa, racial hostilities remained deeply embedded in the culture (Verwoerd 2007). The human rights violations that took place under the previous regime stood in contrast to the cultural changes that Mandela hoped to make. Therefore, it is no surprise that Mandela attempted to address these violations in an effort to fundamentally change one of South Africa's dominant cultural narratives and to bolster his government's legitimacy.

The public confessions of the Amnesty Committee's trials sought to redefine human rights violations as linked to apartheid and the struggle to end it. Defining the deviance in such a way demonstrated that they were political in nature and the result of inconsistencies embedded in the structure of the previous social order. Human rights violations committed by both Blacks and Whites were redefined as reactions to the political climate rather than as terrorism, counter-terrorism, or meaningless acts of violence. This strategy, in turn, delegitimized the previous regime and demonstrated both the need for, and the possibility of, a more inclusive society through both structural and cultural changes.

## CREDIBILITY OF CONFESSIONS

Like many other public confessions, the confessions of the TRC contained elements associated with credibility (Abrahamian 1999; Foucault 1977). First, the perpetrators acted as their own denouncers and confessed to information that individuals would normally hide from

public audiences. They confessed to human rights violations and criminal offenses, presenting themselves as willing to expose behaviors, thoughts, and feelings typically hidden from others.

Second, the Amnesty Committee emphasized that the confessions were credible, not only by putting the word “truth” in the title of the trials, but also by rewarding confessions of truth with possible amnesty. These measures sent the message to audience members that the confessions were highly credible and that truths that had not surfaced under the previous regime would be uncovered during the trials. Third, the commission bolstered the apparent credibility of the confessions by employing an investigative unit to conduct research prior to the hearings in order to authenticate the perpetrators’ stories (Abrahamsen and van der Merwe 2005).

The credibility of the confessions was also emphasized by the confessors, who admitted that previous statements made under oath were false and who made additional incriminating statements. This is seen in the following example, in which Brian Mitchell, a White former police officer<sup>8</sup> states:

The Constitution recognises a need for understanding, but not for vengeance, a need for "vuntu" but not for victimisation. In the spirit of reconciliation, and for the purpose of applying for amnesty, I am prepared to make disclosures of the events leading up to the Trust Feed incident and further revelations. The purpose is not that fingers can be pointed, but to demonstrate my willingness to contribute to the future of South Africa. I do not want to be party to a new onslaught of mudslinging by political parties. It took me over two years to free myself from a capsule of indoctrination and beliefs.

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<sup>8</sup> Mitchell was found guilty of taking part in the murder of eleven Black men and women, the attempted murder of two Black individuals, and arson, as part of what is known as the Trust Feed Killings. According to Wren (1992) in an article in the New York Times:

The massacre in Trust Feed, a poor community 25 miles outside Pietermaritzburg, occurred during a time of factional fighting between supporters of the Zulu-based movement Inkatha and the United Democratic Front. The police were sometimes accused of siding with Inkatha, which they denied (p. 1).

Similarly, a Black defendant<sup>9</sup> admits that his previous testimony was a fabrication:

Question: Mr. Petros you will remember from the beginning I told you that today is the day when you should play open cards?

Mr. Petros: Yes.

Question: Where I read you documents pertaining to the previous file and where at the time you did not tell the truth, what you said was not the truth, and if you still feel that what you said it was not the truth, that means you must now say so and say what I said previously was not the truth, today the truth is this, do you understand that?

Mr. Petros: That which the Judge read now was a statement which I made in the past which—that was not the truth, that which the Judge has just read. That was all fabrication. What actually happened was that on that day we went out looking for this man to kill him. There were no taxis, we were not looking for taxis and trying to get me onto a taxi or anything like that. There is no question of me taking a taxi to Ennerdale, we simply went there on that day to kill him. So that statement which had been read out was a total fabrication.

Maxam also elaborated on the credibility of his confession during his previous trial, explained his motivation for lying at the time, and then explained his motivation to be truthful during the TRC hearings:

I am glad that you have asked me this question, because this Truth and Reconciliation Commission that I am standing before, at court I was deceptive, because I was protecting myself from the system, from the police themselves. To the Magistrate I was advised, by the same police that had arrested me, that I must not talk about politics at all in my defence, I must just say that I wanted money. At the time I had no legal representation. At the time I thought that I would even be taken from my cell and be killed by the police. When I got the opportunity to come before this Commission last year and today and reveal the whole truth, because I believe that this Commission was not formed under segregation and oppression. This is why you will find a discrepancy between my evidence to the Magistrate at the time and today. You will even find that my statement changed

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<sup>9</sup> Petros was charged with the murder of another Black man and the possession of an illegal fire arm and ammunition. Petros was a member of the ANC, while his victim was a member of the Three Million Gang. According to Petros, the Three Million Gang was used by “the previous regime and former local council, to destabilise the ANC and its alliances. The operation which were made, were perpetrated by the above indicated departments. They were assaulting, maiming, raping even end up killing those who were members of the ANC, its supporters, leaders and ordinary members of the community.”

from the trial with the Magistrate to the Supreme Court, because at the Supreme Court I had legal representation...My statement with the Magistrate and perhaps how the court handled everything, even if I go back to jail I will be satisfied with this Committee, because I have revealed everything and I know that they have my best interests at heart rather than the previous court under the previous regime.

## ORGANIZATION OF THE CONFESSIONS

The confessions of the TRC were organized and orchestrated by the government and not by the confessors. This meant that while the confessors willingly took part in the trials and were not tortured, the message the perpetrators sent to the public—regarding their deviance and how to make sense of the gross human rights violations—was framed by the government. The themes of the confessions were aligned with the new dominant political narrative that Mandela and Tutu were promoting, which defined “the events of the apartheid past as evil and the future of the new democracy as sacred” (Goodman 2009: 3). While not all confessors were able to successfully convince the court that their actions were closely linked to political parties or social movements or that they did not personally benefit from their deviance, the confessors still worked to frame their actions as consistent with this theme. The perpetrators were given a strong incentive not only to confess, but also to link their actions to specific motivations. Perpetrators knew that whether or not they were granted amnesty would depend on whether or not their confessions and the details of their cases furthered the objectives of the Promotion of National Unity and Reconciliation Act.

Both the confessors and the confessions were prepared prior to the trial in backstage areas. The confessors were represented by attorneys who had prepared cases that argued that their clients met the requirements for amnesty by aligning their actions with various political

parties and political objectives, and some of the confessors read prepared statements to the court (Cole 2010). Not all those who applied to have their cases heard were chosen to take part in the TRC hearings. Critics of the trials stated that the commission handpicked cases that reflected the objectives of the trials (Goodman 2009: 53).

The confessors did not simply volunteer the information they saw as relevant; they took the form of responses to questions posed by the court, with judges and attorneys steering the direction of the confessions through their questioning. The judges frequently reframed the confessions in their own words and emphasized the aspects of the narratives that they saw as relevant to the objectives of the court, both during the questioning and the discussion of amnesty verdicts. The trials were organized so that the confessions reinforced the narrative that the government hoped would become the new dominant cultural narrative.

#### DEFINING THE DEVIANCE AND ASSIGNING RESPONSIBILITY

The commission and the confessors worked in tandem to redefine the deviance as political acts, rather than as pathological behavior or acts of communist terrorism. The confessors of the TRC hearings highlighted social influences—particularly political ideologies—as the origin of their deviance. This framing was honed by the court proceedings, in which the perpetrators were asked a series of questions about their upbringing as well as their connections to social institutions and social movements that might have influenced their actions and how they perceived the political atmosphere. These questions prompted confessors to describe their socialization, political involvement, and beliefs as frames for their deviance.

In addition to linking their actions to the political context of their deviance, they also linked their actions to the narratives of specific groups, social movement leaders, or politicians.

In the following example Justice Sekgopa, a Black perpetrator,<sup>10</sup> connected his criminal activities to a speech given by the leader of a social movement:

Question: Were you at a meeting which was at the stadium addressed by Mr. Minong?

Mr. Sekgopa: Yes I was present.

Question: What precisely did Mr. Minong say?

Mr. Sekgopa: Mr. Minong did brief the residents of Kaotlahong and he said he heard that Inkatha would be coming to attack the residents.

Question: If I understand you well Mr. Minong's address was to the effect that the residents must be prepared to protect themselves, that is all that he said.

Mr. Sekgopa: That's what he said to protect ourselves with whatever we had.

Question: Did Mr. Minong sanction or order any killing of people entering the area?

Mr. Sekgopa: Mr. Minong said that Inkatha members would come and attack us and then we must be prepared to defend ourselves when they arrive.

Question: Did he tell the specific day or date or time when Inkatha would attack your area?

Mr. Sekgopa: He never mentioned the date but he said we must be prepared and armed at all times.

Question: Now how long after Mr. Minong's address to the community did this crime take place?

Mr. Sekgopa: It was well after some days after he has mentioned that Inkatha would arrive in our community. On Saturday it happened that these White people came and then we attacked them as we thought they were Inkatha members.

Question: How many days after?

Mr. Sekgopa: It was after about four days after Mr. Minong had already delivered a speech to the community.

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<sup>10</sup> Sekgopa was charged with taking part in the murder of four White individuals as well as one count of property damage. Four White individuals had driven in to town and were dragged from their car and killed by a crowd.



In another example, Madoda Tisana, a Black defendant who was charged with robbery and taking part in the murder of two individuals,<sup>11</sup> demonstrated that his part in the robbery was linked to the Tambo Text. The Tambo Text, was a statement made by Oliver Tambo and was well distributed among activists in South Africa during the 1980s and 1990s. The text states:

Pretoria has carried out its murderous plans to extreme. We must now respond to the reactionary violence of the enemy with our own revolutionary violence. The weapons are there in White houses. Each White house has a gun or two hidden inside to use against us. Our mothers work in their kitchens, we work in their gardens. We must deliberately go out to look for these weapons in these houses. It is a matter of life and death to find these weapons to use against the enemy. The lone policeman must be made a target, he must be destroyed so that we can get his weapon. We must learn to lay ambushes for the armed personnel carriers and the police cars that patrol the locations.

In his statements, Tisana demonstrates that the robbery he took part in was linked to the Tambo Text:

Mr. Tisana: The Tambo document, we got it from Maxam. It was explaining the situation in the township during 1985 and 1986. It was explaining how we can get weapons so that we can defend and protect the community at the time of oppression. We had a right, according to this document, to go to a White, to the White peoples' home to break in and get weapons, but not to kill.

Ms. Khampepe: Mr Tisana, is that what you understand as the Tambo text to mean, to authorise you to steal anything of value which can be exchanged for money in order to buy the necessary guns that you needed?

Mr. Tisana: Yes, that is how I understood the Tambo text document.

Mitchell also linked his willingness to take part in human rights violations to speeches made by political leaders, which framed antiapartheid movement organizations as terrorists:

During the early 80s the government publicity and propaganda machine was also operating full time. One just has to think of the speeches made by political leaders like P. W. Botha, Magnus Malan and other cabinet ministers. Everything revolved

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<sup>11</sup> Tisana was one of Maxam's accomplices and was charged with taking part in the murder of a Black housekeeper and a Black gardener while robbing a White household, in search of fire arms.

around the so-called "swart kaffir," the communist and terrorist. Terms like Black Consciousness and Solidarity were turned into something negative. I believed that, which I now see to be propaganda.

Johan Van Eyck,<sup>12</sup> a former police officer and security guard, also explained how the political atmosphere, combined with statements made by politicians, led him to take part in human rights violations:

Mrs. Van Der Walt: During that period, Mr. Van Eyck, the period in which there was a lot of violence in the Black areas, were there any statements made by the leaders of the country, of which you were aware?

Mr. Van Eyck: Yes, that is correct. Chairperson, statements were made by the then President of the country, as well as by various Ministers, Ministers of Police. The statements made were that the onslaught had to be countered ruthlessly.

Mrs. Van Der Walt: Are you now referring to which President?

Mr. Van Eyck: The President P. W. Botha, and the Ministers were Minister Louis le Grange, Hernus Kriel, Adriaan Vlok.

Mrs. Van Der Walt: When these statements were made, that these assaults and onslaughts had to be tackled, very harshly, how did you understand that?

Mr. Van Eyck: I believed that these statements also supported the kind of methods that I used.

Mrs. Van Der Walt: The organisations which you mentioned, who were involved in the violence, now were you aware what their objectives were?

Mr. Van Eyck: Yes. The period which I am referring to is the late Seventies, but I wasn't then so closely involved with the riots, because I was then still in the detective branch. In the beginning of the 1980s, a couple of us were told to go to Tembisa to help combat the riots and violence reigning at the time. I was there for a couple of months. I then went back to Benoni. Approximately a month thereafter I received an instruction, myself and a colleague of mine, Warrant-Officer Kruger, to go to Daveyton. Certain police dwellings had been burnt down. When we arrived there that afternoon, we were immediately attacked. Our vehicle was damaged, the vehicle was stoned. We had to make use of Land Rovers and quite a few homes of policemen were burnt down. We were told that very same

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<sup>12</sup> While working for a security guard agency, Van Eyck took part in the torture and murder of a Black male employee.

night to stay in the residential area to investigate all incidents of violence in the area.

There were also members of the Defence Force and the uniform branch operating in the area, but we were instructed to investigate these incidents of violence. As a result of our investigations we came into contact with many of these organisations and their members. A state of emergency was declared at some point. I attended various meetings where the Police, Defence Force and the various town councils were present and there it was planned how these riots and incidents of violence could be combated.

In addition to linking their criminal activities to the texts and speeches of political leaders, some of the confessors also implied that their violent actions were fostered by the police force and the military of South Africa. Several of the confessors had been members of either the police force or the military and implied that their training had made them more willing to take part in human rights violations. For instance, Jean Pierre Du Plessis<sup>13</sup> implied that the attitude of the military towards its enemies may have encouraged him to act in a violent manner.

Adv. Rhode: What did the Defence Force teach you about people, about arms, about the struggle?

Mr. Du Plessis: Well, during that period the South African Defence Force was still engaged in a struggle against the so-called Communist monster, and we were taught that the enemy should be destroyed, and that the Communists were a great threat for this country.

Adv. Rhode: What was the Defence Force's attitude towards human lives?

Mr. Du Plessis: As far as our own forces were concerned, we obviously had to protect our own people, but as regards the enemy, they had to be destroyed at all costs, we had to destroy them.

Mr. Van Eyck, who confessed to torture and murder while working for an organization that supplied security guards, linked his use of torture to the interrogation techniques he used as a police officer:

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<sup>13</sup> Du Plessis was a member of a small White Supremacy group and was charged with theft of a motor vehicle, breaking and entering, robbery, and possession of illegal fire arms.

Mr. Van Eyck: Honourable Chairperson, the violence in the Black areas was aimed at the Government. Various organisations were responsible for this; youth organisations as well as political groupings. I was appointed as branch commander in Witfontein. That was quite an achievement for me at such a young age. That was due to the work which I had performed. I could perhaps mention that I did not receive instructions from officers to make use of interrogation methods, but I believed that they approved of these methods, since in the time that I was there, certain charges of assault were made against me and I could refute the complainants' case by means of statements which I made and the result of that was that the Attorney-General declined to prosecute. It was clear to me that these officers were well-aware of my actions and my conduct.

Similarly, Hendrick Gerber, a White perpetrator who confessed to acts of torture and murder,<sup>14</sup> noted that he had been trained in coercion and torture as a police officer:

Mr. Prinsloo: Mr. Gerber, you were a member of the South African Police.

Mr. Gerber: That is correct. Whilst I was performing service in this unit, I also experienced certain techniques of interrogation which included various forms of coercion and torture.

In contrast, Petros claimed that it was the unwillingness of the local police to protect Black South African citizens that led him to commit murder:

Mr. Matsepe: How do you feel about the fact that you committed this act? How do you feel about that right now?

Mr Petros: I feel very bad about it, I feel very sorry about the fact that I committed this deed. I didn't want to commit it in the first place but because we had nobody else to protect us at that stage we had to protect ourselves and defend ourselves. This person should not have been dead today, and I'm actually very sorry that he is dead. But if the South African Police had helped us then this person would never have died. I am very sorry that this person is dead because he was actually also an innocent person who had been used by the SAP. For that reason I'd like to say, perhaps if his mother and other members of his family are present, I would like to say that I am very sorry, and I'd like to ask their forgiveness. I would want them to forgive me as God forgives us. I am sorry that I killed this person.

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<sup>14</sup> Gerber's victim was a Black man.

Mr. Matsepe: In other words what you are telling the Committee is that you are sorry that you had to be the person responsible for executing the sentiments and demands of your society?

Mr. Matsepe: Now these things, for instance the fact that there were allegations that police were conspiring with the gang, allegations that the police, that the leader of the gang sometimes went to sleep over at the home of the Prosecutor, what feelings did this evoke from yourself and the community? You see now you were given the information and you heard the allegations regarding police conspiracy, allegations were made about the fact that certain people were charged but soon let out on bail and there were allegations that the leader of the gang sought safety at the Prosecutor's home and stayed there for a while, now in the light of all this information which you had, how did you feel? What I would like to establish, and what I'd like you to explain to the Committee is after you saw these things happening or heard that these things were happening, how did you feel, did you feel safe and secure or did you feel threatened and afraid? What went on in your mind at that time?

Mr. Petros: At that stage we felt that we are not safe. We felt that there was nobody to defend us and to protect us. We felt that there was no justice for us.

Mr. Matsepe: Did you have any faith and confidence in the police?

Mr. Petros: No, none at all, I had no confidence in the previous dispensation and system.

Mr. Matsepe: Did you have any faith in the court procedure, did you feel that you could go to court and complain?

Mr. Petros: No, I trusted nobody. I trust nobody from the South African Police or any magistrate, State prosecutor because all these people seemed to collude with this "Diwiti" this deceased. So at that stage I didn't trust anybody.

Mr. Matsepe: So you are saying that you had not faith in the legal system under the police and it is therefore under those circumstances that you took the decision to do what you in fact did?

Mr. Petros: It wasn't my decision, it was the community's decision in relation to the self-protection unit, because I was the person who found the deceased first I was the person who performed this act.

In order for confessors to frame their deviance as originating in the political atmosphere of apartheid—and not as individualistic deviance or acts of terrorism linked to a communist onslaught—they were required to show that, given their political objectives, the deviance they

committed was a rational means to an end or a necessary act of self-preservation. This put confessors in the position of both denouncing the actions they took part in, and at the same time, defending them as rational when situated within the larger political context. This can be seen in Maxam's case:

Mr. Swart: I put it to you that it was unnecessary to kill these two people.

Mr. Maxam: Sir, that is your opinion, but truly the situation at the time seemed to be necessary. If you were there you would see what was happening and, Sir, you must remember that I was never arrested before, I was never before the Magistrate and at the time I had to do such incidents, because of the situation in Mbekweni. There was war in Mbekweni. A lot of things happened that led to such events. It was not our aim to shoot people, but we were forced by circumstances.

Gerber also demonstrated that in light of the larger political atmosphere he felt that his actions were reasonable.

Mr. Gerber: ...At no stage did I do anything for personal gain. I constantly and throughout believed that I was acting reasonably. In my capacity at Fidelity Guards and as a member of the National Party and as a citizen of South Africa I believed that I was acting reasonably in the battle against these terrorists.

Cornelius Van Wyk<sup>15</sup> explained that his actions seemed necessary in light of the political climate:

Van Wyk: I would not be sitting here today if it wasn't for the political motive which we all shared that was the impetus behind our actions, but I cannot justify it today. One cannot find political solutions through the barrel of a gun. I realise that now and I appeal to everybody that this should never happen again, that there should be talks and negotiations to try and resolve problems, but at that stage we thought the only answer was a military one. We feared the imminent takeover by the ANC and a resultant bloodbath. That of course never took place. Things continued as before, quite normally.

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<sup>15</sup> Van Wyk was a member of a small White right wing group and was found guilty of three counts of murder, motor vehicle theft, housebreaking, attempted theft, and illegal possession of firearms and ammunition. Van Wyk had broken into a White household to steal fire arms and took part in the murder of the White home owner and two black staff members.

Eugene Marais,<sup>16</sup> a White perpetrator, also explained that violence seemed like the only rational reaction to the political climate of the time.

Mr. Wilkinson: Why didn't you rather demonstrate with posters and placards at the PAC's offices?

Mr. Marais: We believed at that stage, and I want to underline this, that this was the beginning of the onslaught against Whites. We could see afterwards that there were a number of attacks, and we all know about this which became worse and worse. We knew that it wouldn't help to demonstrate.

At that stage I believed, I truly believed that a peaceful solution was not possible in this country. And co-operation among the people in this country was not possible and that the Whites—the Afrikaners, the Boer—that they were all confronted with—with obliteration.

Mr. Wilkinson: The time of the attack, that was the PAC liberation organization—were you aware that they had registered as a political party?

Mr. Marais: Yes, I am aware of it...

Mr. Wilkinson: But in 1990, that obviously was very revolutionary?

Mr. Marais: Yes, we were very fully aware that day of statements. I'm not just talking about us, the media were full of this at that time. A great deal of attention was given to the fact that these people were shouting "Kill the Boer, kill the farmer" and when they finished that, they said "One settler, one bullet" and for us that could only mean one thing. And at that stage I felt like a settler and we were referring to ourselves at that stage as Boer.

Mr. Wilkinson: And the Afrikaner community then felt very threatened?

Mr Marais: That is correct.

The larger purpose of these confessions was not just to demonstrate that human rights violations were politically motivated, but to place them within a social context that would link them to the narratives and criminal practices of the previous regime. Once so linked, the human rights violations could be distanced from the current government which was working to reassure

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<sup>16</sup> Marais was a member of the military and a White right wing movement and was found guilty of seven murder charges, 27 attempted murder charges, and the illegal possession of firearms and ammunition. He opened fired on a bus with all Black passengers.

the public that such acts would not continue under Mandela's leadership. Such narratives sent the message that these human rights violations were not inherently a part of South Africa—and that conflict does not naturally arise from a heterogeneous group of individuals—but instead must be fostered by divisive narratives and practices.

The confessions helped to distance antiapartheid from terrorism and communism, which had made many White South Africans distrustful of members of antiapartheid organizations. The implication of such a framing was that a new social order was possible and that the divisiveness and human rights violations of the past could be left behind since the previous regime had been replaced. In short, as other scholars have noted, the trials represented a break between the past and the present (Goodman 2009; Verwoerd 2007). The use of confessions to define human rights violations played a crucial role in this portrayal of a new society.

Several of the White confessors identified a connection between human rights violations and the fears of some White South Africans that Black South Africans would take over the country in a violent manner. These confessors emphasized that they had previously felt that it was necessary to use violence to prevent such happenings, but that they had been proven wrong; the transition from apartheid to a country with a Black president had not been the result of a bloody revolution. These White confessions demonstrated that not only were antiapartheid groups not inherently terroristic in nature, but that without the false framing of antiapartheid groups as terroristic in nature and the prophecy of a violent take over—which was rooted in the narratives of the previous regime—White South Africans had no motivation to respond to antiapartheid organizations in a violent manner. Mr. Alberts, a witness for Du Plessis who confessed to his own involvement in right wing groups that encouraged violence against Black South Africans, explained the prevalence of this fear:



Mr. Alberts: It was really all about ideology, a liberation ideology. I think that to a degree the ideology had its origin in the National Party, the early days of the National Party. Then the National Party frightened us with the total onslaught, which was presented to us as manifested in Central Africa and the liberation phase of Central Africa, films which were displayed here as was mentioned here yesterday, *Adios Africa*, for example, *Afrika Adios*, in which there was an emphasis on violence. The national media in the early Sixties showed many photographs of the violence in the Belgian Congo and so on.

In right-wing circles, I believe there was a psychosis of fear, a fear that incidents of this kind would repeat themselves here, particularly if we found ourselves at the mercy of a Black Communist government. I think that also provided the basis for the entire right-wing resistance movements as manifest in the AWB, the BBB, the Boerestaat Party, AWSA and numerous such like right-wing movements. Many of which sprang up, which perhaps weren't as well-known. But there was an all-encompassing right-wing feeling of resistance.

Actually, as I said it was a psychosis of fear which manifested itself. The fear that we would find ourselves at the mercy of similar unfortunate situations as had occurred in the rest of Africa.

Marais explained how these narratives led him to interpret an act of violence as the beginning of a violent takeover by Black South Africans and that this in turn led him to take part in human rights violations. He also explained that the fear that led him to take part in these violent acts was no longer relevant:

That's right it was big news. Everybody was very upset and literally every person whom I met then and in the days afterwards was talking about it. I just want to make it clear—I heard in the previous testimony, previous evidence to the "alleged" PAC members. You must understand that on that day, we were reacting to news reports on the media. The first report I listened to that morning referred to members of the PAC breaking into a shop, stole knives and summarily attacked Whites. In other words it's not that we—hadn't heard that it was possible, or hoped that it might be so—this is what we believed happened and that was how the news was relayed to us. For the rest of the day I saw Mr. Botha a couple of times. He told me that I should come to his home that evening, and that is what I did....As I said, we thought that what we feared and what had been propagated at right-wing meetings of that time namely, that the day would come when Black on Black violence would—that we are so well acquainted with in this country would move to Black on White violence. We also saw it as a direct consequence of the National Party Government's decision on the 2nd of February 1990, to unban the so-called liberation movements and to free the present President. We believed that this would not only lead to the destruction of the Afrikaners, but that it would also cause violence and we would be literally obliterated. At that stage we thought that what had happened after colonialisation, or after

decolonisation in other African countries, Uhuru—that would happen here. We got into the car and left for Durban.

On the way we decided amongst ourselves that we would have to identify a suitable target. That sounded like a good plan, that we should attack a minibus taxi. We arrived in Durban and we saw a taxi and followed it. We followed it into a residential area, but the circumstances were not conducive to a successful attack, so we abandoned the plan.

We turned round. It was very late and we were about to go back to Richards Bay—we presumed at that stage that we wouldn't find a target because the next day was going to be a public holiday and there wouldn't be anybody left in town. We stopped at a petrol station to buy cooldrink, at that point a bus drove past and it seemed to us to be a suitable target. We followed the bus, and on a quiet road where there were no other cars, we overtook the bus. Mr Botha gave the command "Fire" and we shot at the bus. ... [intervention]....

... During my sentence I, in 1994, I experienced the election. I saw that peace and reconciliation could truly come in this country when the right-wing parties already approached the negotiating table and today I know that there is a place for us all on this world.

Similarly, Du Plessis explained that his original motivation to take part in human rights violations—the fear of a violent takeover of South Africa by Black South Africans—was no longer relevant given the new political climate:

Adv. Rhode: Mr. Du Plessis, in 1994 when government changed in this country peacefully, what were your feelings, what were your perceptions about this development?

Mr. Du Plessis: Well, it was unbelievable to me. At that stage I was involved in Radio Pretoria, and there was, for example, a Mr. Da Silva, who regularly broadcast on that station. He was of Portuguese extraction. He regularly told of what precisely had happened in 1974 with the take-over in Mozambique and how people were murdered in the streets and I believed firmly that something similar was also going to happen in this country, and that basically there would be a kind of uhuru in this country. When nothing happened, I was amazed.

Adv. Rhode: Did this bring about any change in your attitude, in your perceptions, this peaceful transition?

Mr. Du Plessis: Well, it made me look anew at my entire attitude regarding our country, regarding what I had been taught throughout my life and it made me question many things.

Van Wyk, who had originally feared “the imminent takeover by the ANC and a resultant bloodbath” made a similar statement regarding the irrelevance of such fears:

Mr. Van Wyk:....That of course never took place. Things continued as before, quite normally....And what is a great relief is that there was such a great fear which I had before, I was terribly afraid of the unknown of what would happen in South Africa, at that stage I feared an ANC takeover and now I know it was just propaganda, it was just a myth. So I have been relieved of that fear.

Mr. Gimsbeek: Now these dire prognostications never actually materialised?

Mr. Van Wyk: That is correct, it never happened.

## CLOSURE

The confessions brought about closure by demonstrating that the motivation for taking part in these human rights violations related to a past regime and that the transformation in society would remove any motivation to take part in similar activities (Berns 2011). One way that these confessions attempted to provide closure was through narratives of personal transformation, which reassured the public that, if granted amnesty, these individuals would not take part in similar deviance in the future. The personal transformations could also be seen as indicative of a larger transformation in society. The underlying theme of the trials and the Promotion of National Unity and Reconciliation Act was to demonstrate that the change in regimes and the abolition of apartheid would lead to real changes in the social order and culture of South Africa.

If the perpetrators of human rights violations could demonstrate that their actions were linked to the previous social order, that a new environment had led to their rehabilitation, and that they no longer harbored the same belief systems that justified their actions, it would send the message that a change in leadership could mean a change for the country as a whole. The personal transformations of the confessors because symbolic of larger cultural and structural transformations within the country. Themes of personal change can be found in the following example:

Mr. Du Plessis: In September 1994 I was found guilty and sentenced to 12 years imprisonment. By about December 1994, my wife and I began to experience serious problems in our relationship. At one stage I just lay on my bed in my cell and cried for three days. I didn't eat, I didn't drink for those three days. At the end of the third day, the Lord spoke to me and said to me, Jean, all that is wrong in your life now is that you haven't yet given your heart to Jesus Christ. Then I gave my heart to Jesus Christ. That was the beginning of a complete reversal, a complete about turn, a process which has lasted for two years until now...

Adv. Rhode: Lastly, a suggestion has been made in the media that some of these applications for amnesty is simply to release people from prison and not simply to release people from prison and not because there was any deep change in people's political convictions. Would you agree with that?

Mr. Du Plessis: No, in my case definitely not. I know for a fact that I have changed, one can see that from my letters, from my conduct in prison. There has been a total transformation in my life. Of course, there has been a—my father and I have grown apart quite drastically, because he still holds the same views as he has done in the past, although he is no longer actively involved. He has isolated himself from the world, but I can't see the sense of my remaining in prison any longer, because my views, my attitudes have changed so radically, my attitude towards society and the world at large.

Themes of personal transformation and reassurance that the confessor would not commit similar acts in the future can also be seen in Van Wyk's statement:

Mr. Gimsbeek: Now Mr. Van Wyk your political ideas are these still the same as when you committed these offences?

Mr. Van Wyk: No. Many of my ideas have changed although to a certain extent it's still the same.

Mr. Gimsbeek: Now could you give us a complete overview of that?

Mr. Van Wyk: Yes. I still regard myself as an Afrikaner. I still love my volk, my nation, and I hope that things work out for us, that we can have peace in this country and I do believe that it is busy happening at the moment. There is talk of a Volkstaat although I don't regard that as the 'be all and end all' of our struggle. I think what has changed significantly is that I don't consider myself to be a racist. I have a great respect for other people, other nations and races and it's not an issue for me any longer...

Mr. Gimsbeek: Then what are the probabilities that you would again do the same sort of things in the event of you being granted amnesty?

Mr. Van Wyk: I am positive that there is not the slightest chance of that happening, there is no question of it.

Themes of personal transformation can also be found in Marais's confession:

Marais: The section 29 detention period—during that time I was in tremendous conflict—I was wrestling with myself and I came to the view that we had done something terribly wrong, and I also realised after conversations with a number of people that violence was not the solution to this country...After out detention under Section 29 I was granted bail. On the first opportunity after that I broke off my membership of all right-wing parties, and since then I have had no political alignment.

Mr. Wilkinson: Why was it necessary to do that?

Mr. Marais: The most important reason for that was that I realised that I had done something tremendously wrong, and I knew that I hadn't done it entirely of my own volition. I felt if that's what they wanted me to do, then I didn't want anything more to do with them.

Mr. Wilkinson: Do you think the retribution and revenge and victimization are the key to prosperity in this country.

Mr. Marais: No, I don't wish anybody the fate of going to jail, but sometimes it is a good thing because in prison I learned to live with people and that there is a place for everyone on this earth. During my sentence I, in 1994, I experienced the election. I saw that peace and reconciliation could truly come in this country when the right-wing parties already approached the negotiating table and today I know that there is a place for us all on this world.

Providing closure meant demonstrating that those who had committed deviance for individualistic reasons would not be released from prison, ensuring that justice would be served and that the public would be protected from such criminals. While all the confessors tried to demonstrate that their motives were political in nature, not all were successful in convincing the court. Demonstrating that individual deviance would be punished accordingly signified that the new government, while acting on ideology that emphasized forgiveness, inclusion, and moving forward, would still protect the public from individualistic acts of violence.

If deviance was not seen as motivated by political objectives, then a change in the government would not necessarily prevent the perpetrator from committing similar acts of deviance in the future. In short, the trials showed that Mandela's government would protect citizens from deviance by removing the impetus for political deviance and by jailing those who took part in individualistic deviance. Court officials often emphasized the connection between deviance of an individualistic nature and a failure to qualify for amnesty. For example, the following statements were made concerning Maxam, who was not granted amnesty, during the course of the trials:

Judge Wilson: Well, the first applicant did none of that. He behaved in an entirely ruthless manner killing people whom he was there to support for no reason other than to cover up for himself and isn't the most apparent explanation for that that contained in the Appellate Division judgement as to his mental condition as a result of the stresses he had gone through the evidence that was led there about it.  
Adv. Lourens: Mr Chairman ...

Judge Wilson: Because he was a person of innately anxious make-up which this position had been so aggravated by serious ongoing political upheaval in Mbekweni that when he committed the offenses he was suffering from what is known as a general anxiety disorder.

Adv. Lourens: Yes, that is an aspect and I would agree with you on that. I was, it is a point that I would raise in argument, but he ...

Judge Wilson: But he behaved irrationally. The other two could not have expected such behaviour.

Adv. Lourens: If the Committee's finding is that it is irrational or that there, or that the anxiety disorder, which the Appeal Court found to have existed, then my submission in that regard would be that it would negate the, any question of a ruthlessness on his part merely just to be put in a ...

Judge Wilson: It would negate any political purpose on his part.

Adv. Lourens: I would ...

Judge Wilson: Would it not?

Judge Wilson: If he was suffering ...

Adv. Lourens: With respect ...

Judge Wilson: ... from this disorder.

Adv. Lourens: With respect, I do not think the Appeal Court found that the anxiety disorder was the motivation or the cause or why he ...

Judge Wilson: It was a factor ...

Adv. Lourens: ... acted ...

Judge Wilson: which influenced ...

Adv. Lourens: It was, it was ...

Judge Wilson:... why he behaved like that and which amounted to extenuating circumstances.

Each official statement made regarding whether or not a perpetrator had been granted amnesty included comments regarding the nature and motive of their deviance, such as the following statement regarding the denial of amnesty for Van Eyck:

...Having regard to the provisions of subsection (3), we are satisfied that the act committed by the applicants does not meet the requirements of the section. In particular we are satisfied that the motive of the second applicant in killing the deceased was to ensure that the deceased would not lay a charge against them and not to fulfill any political objective; this view is confirmed by the context in which the act was committed and the conduct of the applicants prior to the killing of the deceased; the object or objective of the act was primarily directed against a private individual to obtain information about the commission of a crime and having regard to this, the gravity of the act committed by the applicants far outweighs any benefit they or their employers may have obtained from getting such information; there is no suggestion that any order was given to the applicants to behave as they did; and finally, as we have already said, the proportionality of the act to the object pursued is such as to make it one totally unsuitable for the granting of amnesty.

In the light of these conclusions, we are satisfied that the applicants are not entitled to amnesty and their **APPLICATION IS ACCORDINGLY REFUSED.**

## LEGITIMACY

The confessions of the TRC hearings contain multiple themes associated with the government's legitimacy. Previous research shows that truth and reconciliation commissions are typically a part of transitional justice that takes place when a country is building stability after a violent period or after a regime change (Goodman 2009; Campbell 2000). One function of these commissions may be to reinforce the legitimacy of the new leaders and the emerging social order at a time when this legitimacy is fragile.

While Mandela had already been voted into power by the time of the TRC hearings, he faced the considerable task of convincing the public that he could effectively represent two segments of the population—both Black and White South Africans—that were generally assumed to have different, if not mutually exclusive interests. The very notion of a government that could represent the interests of both groups was seen as problematic to some South Africans—particularly White South Africans (Verwoerd 2007). The confessions and resulting amnesty of both White and Black South Africans attempted to demonstrate that Mandela was not taking part in victor's justice and could represent the interests of both segments of the population at once.

The confessions of the TRC also supported Mandela's legitimacy by demonstrating his effectiveness in addressing one of the biggest social problems facing South Africa at the time—a legacy of human rights violations and racial tensions that threatened to divide the country and that could possibly lead to additional violence. According to Goodman (2009), the confessions demonstrated Mandela's ability to manage social and political transformations and “the new state's ability to resolve tensions among its citizens” (p. 10-11).

The trials received global media coverage, and by reinforcing Mandela's legitimacy and the legitimacy of the emerging social order in South Africa, the confessions also sent a message



to the global community: South Africa's old reputation as a backwards, undemocratic country that fostered human rights violations was no longer applicable. Such confessions demonstrated that international relationships with the new government of South Africa would not mean collaborating with a government that fostered, or turned a blind eye to, atrocities in its own country.

## RECEPTION AND AFTERMATH

The trials of the TRC were generally well received, and have inspired a number of similar trials across the world, such as in Ecuador, Nigeria, Uganda, and South Korea (Goodman 2009).

According to Goodman (2009):

The South African TRC has been heralded as the most ambitious and innovative commission to date, and many countries such as Bosnia, Cambodia, Northern Ireland, and Kenya, among others, that are struggling to deal with an authoritarian and violent past are not only considering the implementation of a truth commission but are being encouraged to use the South African model (3).

However, the commission has also received criticisms—typically that they favored the perpetrators over the victims, that justice cannot be served through amnesty, that revisiting the human rights violations forced individuals to relive traumatic events they were trying to forget, and that it is unlikely that such intense transformations can be achieved in such a short period of time (Bozzoli 1998; Buur 2000; Verwoerd 2007).

In the transcripts I reviewed, the families of victims had mixed feelings about the trials. While in theory the victim's family members were invited to observe and testify at the amnesty trials and even hire legal representation to oppose amnesty applications, in several of the cases I examined, the transcripts show that the family members had been given short notice of the trials, their roles in the trials had not been explained to them properly, they had not been served the proper forms, or they were not served forms in a language with which they were familiar. In

general, these trials seemed to be least accessible to family members who were non-White, rural, non-English speakers who could not read the forms unless they were first translated, who could not afford to hire legal representation, and who were deemed difficult to contact by authorities based on their rural locations, meaning that the interests of these demographics were less likely to be represented in these trials. The following excerpt from Mitchell's court transcripts demonstrates some of these concerns:

Mr. Ngoepe: Sorry, Mr. du Toit, before you get onto it, can I just—I want to respond to some of the opening remarks by Mr. Brink. Mr. Brink, with regard to the, as it were, return of service that you have there, I understood you to say that the report says that the police informed the interested parties that there would be this hearing today. There is something that is deeply troubling me about this whole business, and that is that that is not what the Act says people must be told. The Act does not say that the people should just be told about the date of the hearing. The Act wants the families of the victims to be informed of much more than that. In fact section 19 (4) says that the—that in a prescribed manner the victims or persons, etcetera, having interest in the application must be told when—the time when the application will be heard and considered, and then these people must be informed of their right to be present at the hearing and to testify, adduce evidence, and submit any article to be taken into consideration. In other words the real purpose of this is that people must be appraised of their rights, not just to come and make a cosmetic appearance before us, or at the ... (inaudible) ... the victims and their families must be appraised of their rights, and what their right is all about.

...

Mr. Brink: Yes, Mr. Chairman. I told them—they all came here. These are people who come from a very remote area, so a Form 2 couldn't be posted to them. There are very few—in Trust Feeds there are no postal addresses.

...

Mr. Ngoepe: Well, you have mentioned the point, the next point to which I was going to refer you, and I am mentioning this thing because we don't want unpleasant and difficult precedents to be created with regard to questions of procedure. The Act prescribes a particular form which must be completed and served on members of the family or the victims. Now, from what you are saying my impression is that this has in fact not been done.

Mr. Brink: A Form 2, that's the prescribed form, was not sent to them because the practicalities of the matter, Mr. Chairman, Members of the Committee. It was not sent. No letters were written to them, but I had the assurance—and I've got a copy ... (intervention)

Mr. Ngoepe: Not on a single one of them? Not on a single one of them?

Mr. Brink: Not a single one of them received it. That is why the assistance of the police was called in, and, with respect, the fact that they are here, and they have been apprised of their rights, indicates they are properly before this Committee, with respect.

Mr. Ngoepe: That's not the point. The Legislature could just have said that we should tell them the morning before. In its wisdom the Legislature wants these people to be served with a proper form in advance so that they would have, in the quietness and peacefulness of their homes and respective places, properly consider as to what they should do. Not to appear here in the ... (intervention)

Mr. Brink: Mr. Chairman, Members of the Committee, these people were notified by the police on the 3rd of October of this year, not just this morning or yesterday.

Ms. Khampepe: Mr. Brink, may I just make inquiries? Why was Form 2 not served on the applicants—on the victims and their relatives by the police when the police made contact with them on the 3rd of October?

...

Ms. Khampepe: On the 3rd of October were they notified that they had a right to legal representation if they wanted to come forward today to oppose the application by Mr. Mitchell?

Mr. Brink: I have indicated that my duty in this Committee is to assist them and lead their evidence. These people appear to me to be extremely impecunious. I very much doubt that they would be able to afford legal representation. But secondly it was put to them by my interpreter, who is one of the briefers, that I am here to look after their interests.

Chairman: Mr. Brink, in order to avoid any view that might be formed amongst people that the requirements of the Act are adequately complied by merely informing them by word of mouth—I understand that attempts were made to inform them, but it is quite clear that the form which they are required to receive was not served on them. You tell us that they are here. I would like to adjourn these proceedings for a short while for you, through the assistance of an interpreter, to make absolutely sure that none of those who are here object to these proceedings carrying on, that they are satisfied—although the requisite notice was not served on them they are satisfied that they have been adequately notified and that they would like these proceedings to carry on. Mr. Brink, a very short adjournment of about 10 minutes ought to resolve that matter.

Mr. Brink: May I just say, Mr. Chairman, Members of the Committee, as you know the Form 2 that we have in Cape Town is in the English language. I haven't seen one in Afrikaans. I certainly haven't seen one in the Zulu language, so, with respect, to serve a Form 2 notice in the English language on people who not

qualified to speak English, seems to me, with great respect, carrying the literal requirements of the Act to a degree of futility.

Chairman: Well, had that been done at least the requirement of the Act may have been met. That was not done. I am going to adjourn now for a very short while to get a clear understanding from those who are here that, despite short notice and inadequate notice, they have no objection to these proceedings carrying on. And you will call us in ... (inaudible) ... for 10 minutes.

In cases in which the family members of victims were present, many of them stated that although they did not wish for the perpetrator to be granted amnesty, they understood the purpose of the trials and would not object if the court saw fit to grant the perpetrator amnesty. However, several of the victims' family members were critical of the trials and felt that the perpetrators should not be given amnesty. In the following statement—made by the daughter of one of Van Wyk's victims—many of the basic criticisms of the trials were expressed:

Ms. Roux: Judgment was given and then we felt it is over. Now at last we can carry on with our lives, and yesterday afternoon we were called and told to be here. Now we were told that the case was being brought up again. I think at this stage, we all simply feel that it should just be over, whatever the result, whatever the verdict, we will have to reconcile ourselves with that. Just so that we can carry on with our lives. The nightmare that has disrupted our lives so much, we want to put that behind us.

The applicants are saying that they are sorry. I believe that, I believe that they are sorry. But then I think it is unfair of them to expect us to give them back their lives, who is going to give our lives back, who is going to give our mother back? Who is going to give my father back his wife? Is that fair? To give them amnesty, to free them of deeds that they committed and then to leave us with the loss that we have suffered in our lives, and that we will never be able to get back... I am terribly sorry, but my views about this whole situation that we are talking about today, this looks to me like a back door. Anybody who has committed a crime or done something wrong, just to say "look, I'm sorry" and then two years later that opinion might have changed. It is unrealistic. Somebody who had the convictions that they had, and now to reverse that completely in less than two years and to say now my political convictions are different. What's going to prevent them after another two years to reverse the opinion again. Has it been proved that people who do damage to our society, is it right to put them back into the public arena?

One group of victims' families sued the Truth and Reconciliation Commission, stating that the trials were unconstitutional, as they contradicted the constitution's approach to justice (Simpson 1998).

Previous research demonstrates that the trials were received differently by different segments of the population. One study examined the perceived effectiveness of the trial in uncovering the truth, fostering reconciliation, and the political and economic effects of the trials both within South African and within the larger global community among three populations: the English South Africans, the Afrikaners, and the Xhosa<sup>17</sup> (Vora and Vora 2004). By varying degrees, all three segments of the society felt that the trials had uncovered the truth. However, the Afrikaners were much more critical of the effectiveness of the trials in uncovering the truth than were the English and the Xhosa. Those surveyed felt that the fact that the gravity of the deviance was taken into consideration when determining who would be granted amnesty may have discouraged some perpetrators from being completely truthful about their actions and that "half-truths and lies were used by the accused to stay out of jail" (p. 309). None of the groups, felt that the trials had been particularly effective in reaching its objectives concerning reconciliation (Vora and Vora 2004). The Afrikaners and the English were the least convinced that the trials had brought about reconciliation (Vora and Vora 2004: 310).

South Africa's Centre for the Study of Violence and Reconciliation and the Khulumani Support Group surveyed hundreds of victims of human rights violations during the apartheid era and found that most felt that the trials had not succeeded in creating a greater sense of solidarity between Blacks and Whites in South Africa and that punitive justice was a prerequisite for

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<sup>17</sup> The Xhosa refer to a number of South African tribes that use the Xhosa language. There are approximately 8 million Xhosa in South Africa. Xhosa is South Africa's second most common language after Zulu.

reconciliation (Hamber et al. 2006). Furthermore, many of those surveyed felt that the commission had favored the perpetrators of abuse over the victims:

The role of perpetrators in the process was also seen as hampering reconciliation and perpetuating existing divisions. The TRC process was largely considered by the victims/survivors in the workshops as weighted towards the perpetrators. There was a perception that perpetrators have been rewarded by the system and are still benefiting from the rewards (e.g. pensions, amnesty, etc.) and that victims are still suffering from the effects of apartheid. The TRC was also often seen as lenient toward perpetrators. (Hamber et al. 2006: 1).

Furthermore, some questioned the credibility of the public confessions, which were at the very heart of the TRC (Cole 2010; Wilson 1995). These public confessions had been presented as crucial to uncovering the truth, which was framed as an important step in closure and reconciliation. In this case, as in all cases of public confession, the guilty acted as their own denouncers. While in theory acting as one's own denouncer makes one the ideal denouncer—not only is there no personal gain derived from the confessor's denouncement, but the confessor actually stands to lose social status and become stigmatized—the idea that the confessor will be granted or refused amnesty depending on the content of one's confession and the framing of one's actions taints the narrative of the unbiased denouncer.

In the reconciliation trials, critics voiced concerns that because the gravity of the deviance was taken into account when granting amnesty, the perpetrators had an incentive not to fully confess the extent of their human rights violations (Vora and Vora 2004; Cole 2010). In this sense, it was difficult for the public to believe that the confessors would be completely truthful and fully embrace their role as the denouncer. In addition, those critical of the trials voiced concerns that the perpetrators' claims of personal transformations were exaggerated in hopes of gaining amnesty and were not credible, and accordingly, that the claims that the dominant cultural narratives of the country could also be transformed in such a short period of time were

not credible (Cole 2010; Vora and Vora 2004). If incentives to confess are made known to the public, the confessions may lose their credibility as a window into the true, unscripted, raw thoughts and emotions of deviant individuals and be seen as a medium for the government and other representatives of the social order to present polished, scripted rhetoric to the public.

In addition, the confessions of the TRC hearings introduced new political narratives to the public and in doing so, risked contradicting older, deeply embedded moral narratives of the social order. In expressing narratives of forgiveness and inclusiveness, the confessions of the TRC hearings may have contradicted cultural narratives concerning punitive justice. Gutmann and Thompson (2000) explain that truth commissions can seem problematic to some because “by terms of their characters, these commissions sacrifice justice as usually understood for the sake of promoting other social purposes such as historical truth and social reconciliation” (22).

Typically justice is associated with punishment, which is

is an emphatic denunciation of wrongdoing. To the person being punished it is reprimand; to those bystanders who might be tempted to do likewise it is warning; to the victims it is a vindication; to potential victims it is an assurance; to those who brought the wrongdoer to book it is an endorsement of their efforts (Lucas 1993: 105).

In other words, granting amnesty to perpetrators may have addressed some inconsistencies in the social order, but because justice is so strongly linked to punishment in many cultures, narratives of violence that did not end in punishment may have highlighted inconsistencies in the new social order.

“And because of the way our leadership was conducted itself—driven mostly by ambition and total disregard for the lives of civilians—we ended up killing a lot of unarmed people, and a lot of these things were things that could have been prevented, but were not, not because soldiers on the ground are bad apples or wake up one day as monsters, but because there’s a policy behind everything that we do that’s criminal.” –Camilo Mejia

### **Iraq Veterans Against the War’s Winter Soldier**

In my analysis of the confessions of Iraq Veterans Against the War, I found that public confessions may be used as a whistleblowing call for social change. “Whistle blowing confessions” refer to public confessions that involve an admission of wrongdoing by an individual, but serves to incriminate not only the individual but also a social institution, a representative of society<sup>18</sup>, or the social order in general. In the public confessions of Iraq Veterans Against the War, which were uploaded to YouTube and published in *Winter Soldier, Iraq and Afghanistan: Eyewitness Accounts of the Occupations*, war veterans explained how their own deviant behavior was fostered by the military and highlighted inconsistencies within the social order.

The War in Iraq began on March 20, 2003 and officially ended on December 15, 2011. The war was justified by what later turned out to be faulty reports of weapons of mass destruction in Iraq (Pfiffner 2004). According to the Center for Public Integrity, the Bush administration made 935 false statements between 2001 and 2003 concerning Iraq’s threat to the United States (Center for Public Integrity 2008). The preemptive war faced strong criticisms (Stover 2004) and was deemed illegal by many, including the Secretary General of the United Nations Kofi Annan, former British Law Lord Lord Bingham, and Deputy Prime Minister of the UK Nick Clegg (Norton-Taylor 2008; Shipman 2010). In addition to other criticism, there have

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<sup>18</sup>A representative of society can be thought of as someone whose master status is derived from their role in a social institution, such as members of the military or government officials.



been reports of war crimes and human rights abuses by the Iraqi government, the United States military, private contractors, and insurgent forces (Knickmeyer 2005; Hersh 2004).

Previous work concerning the War in Iraq examines discourse about war (Harvard Law Review Association 2006), framing strategies used by antiwar movement organizations (Coy et al. 2008; Leiz 2001), media bias and justifications for the war (Kuyper 2006), “war programming” and propaganda (Altheide and Grimes 2005), the demonizing of Iraq and Saddam Hussein (Pfiffner 2004), evidence that indicates that President Bush misled the country in order to justify the war (Stover 2004), the legality and morality of the Bush Doctrine (Gaita 2003; Laird 2005), and the sexual politics of the Abu Ghraib scandal (Tétreault 2006). Both Coy et al. (2008) and Leitz (2001) examine frames used by antiwar social movement organizations; Leitz (2001) notes that IVAW was seen as an especially credible organization because its members had taken part in combat.

IVAW was founded in July 2004 by Michael Hoffman, Kelly Dougherty, Alex Ryabov, Isaiah Pallos, Diana Morrison, Tim Goodrich, and Jim Massey. IVAW’s main goals are the “immediate withdrawal of all occupying forces in Iraq and Afghanistan,” “reparations for the human and structural damages suffered in Iraq and Afghanistan so that the peoples there might regain their right to self-determination,” and “adequate healthcare (including mental health), and other supports for returning servicemen and women” ([www.ivaw.org](http://www.ivaw.org)). In addition, IVAW has passed resolutions opposing the war in Afghanistan, the Don't Ask, Don't Tell policy, and the occupation of Gaza, as well as resolutions supporting non-violence, immigrant rights, and the prosecution of the Bush administration for war crimes ([www.ivaw.org](http://www.ivaw.org)).

The founding of IVAW was inspired by Vietnam Veterans Against the War (or VVAW). During the Vietnam era, VVAW had become an influential and controversial antiwar social

movement organization (Hunt 1999). It was originally formed by six Vietnam veterans and increased to a thousand members. In 1971, members of VVAW, including John Kerry, held an event referred to as the Winter Soldier Investigation in a ballroom of a Detroit motel, in which they confessed to war crimes and gave eye witness accounts of what had occurred during the Vietnam War (Stacewicz 1997). Not only was the ballroom packed, but the event was also filmed and released under the name Winter Soldier in 1972 (Stacewicz 1997). Later, Senator Mark Hatfield entered a transcript of the Winter Soldier Investigation into the Congressional Record, and Senator J. William Fulbright, chair of the United States Senate Committee on Foreign Relations discussed the transcripts at the Fulbright Hearings (Hunt 1999). In addition, VVAW eventually released a book which included transcripts of the confessions and testimonies from the original Winter Soldier Event.

IVAW, inspired by the original Winter Soldier Investigation, sponsored an event entitled Winter Soldier, Iraq and Afghanistan in Silver Spring, Maryland—intentionally held only a short distance from the nation’s capital—from March 13 to 16, 2008. While a few of the confessions on YouTube that I analyzed were recorded at rallies organized by IVAW, the majority took place at Winter Soldier, Iraq and Afghanistan. In addition, a small number of the confessions posted on YouTube are the results of interviews made by independent news programs and uploaded onto YouTube. While other sets of confessions that I have examined—the Moscow Show Trials and the South African Truth and Reconciliation Trials—involve some sort of moderator or representative of a social institution to guide, shape, and interpret the narratives for a larger audience, such an actor is not present in the confessions of the Iraq War Veterans, although the confessions are occasionally in response to a reporter’s questions.

## IVAW AND VETERANS' CONFESSIONS

The Winter Soldier, Iraq and Afghanistan held various sessions, which included the Breakdown of the Military, Civilian Testimony, Corporate Pillaging, Cost of War at Home, Crisis in Veteran Healthcare, Future in GI Resistance, Gender and Sexuality, Legacy of GI Resistance, Racism and War, Response to Department of Defense, and Rules of Engagement. In addition to posting videos to many of the confessions and testimonies on YouTube, the IVAW website ([www.ivaw.org](http://www.ivaw.org)) contains video and audio archives of all confessions made at Winter Soldier, Iraq and Afghanistan. IVAW also released a book, *Winter Soldier Iraq and Afghanistan: Eyewitness Accounts of the Occupations*, that includes portions of the confessions and testimonies made during the Winter Soldier Event. The book includes chapters that correspond to the various sessions held at Winter Soldier—each with a short introduction—as well as an introduction by Dougherty explaining how IVAW was formed, how Winter Soldier came about, the reactions to the Winter Soldier event, and the importance of eye witness testimonies and confessions. It appears that many of the confessions at the IVAW conferences were written by the confessors beforehand and read aloud. Several of the confessors also brought photos or videos as evidence of war crimes or other forms of abuse that they had witnessed or taken part in while at war—many of which were graphic images of dead bodies. Though the confessions and eye witness testimonies of the participants were not formulaic and varied considerably from one participant to another, they typically demonstrated a link between war crimes and other abuses and the functioning of the military. Many also often demonstrated a link to the larger social order in American society as well.

Because not all of the testimonies at Winter Soldier included confessional material, not all were included in my analysis. I included only material that was linked to a confession in some

sense. More specifically, I included testimonies in which participants spoke about taking part in wrongdoing, allowing others to take part in wrongdoing, or feeling that they actively took part in an illegal war. Testimonies that were critical of the military or American society in general, but that did not include any expressions of guilt were not included in my analysis. The sessions concerning Racism and War and Rules of Engagement produced the most confessional narratives, although there were confessions scattered throughout the entire event. YouTube indicates that each of these videos has been viewed between a few hundred times and over one million times.

These confessors sought to turn public opinion against the War in Iraq by describing the “degrading forces of war and occupation that dehumanize and destroy...human beings” (IVAW 2008:3), and by “pressur[ing]...fellow Americans to acknowledge their own responsibility for these occupations, which is a necessary part in bringing them to an end” (5).

The confessions are as much about the confessors’ feelings, thoughts, and motivations as they are about their actions. In some instances they recount their own unacceptable behavior, while in other instances they recall their active encouragement of the violent and criminal acts of fellow soldiers. At times the confessors noted that they were not even sure of the effects of their actions, such as when they fired into buildings or bombed towns from above. This is seen in Hart Viges’s<sup>19</sup> confession concerning his role in air strikes:

I was part of that team that sent those rounds down range, and this isn’t army to army, you know, people live in towns. It’s beyond imagination to think that normal people, civilians, don’t live in towns. It’s upside down thinking. So I never really saw the effects of my mortar rounds in the towns, so that just leaves my imagination open to countless deaths, that I don’t know how many civilians, innocents I’ve killed, helped kill.

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<sup>19</sup> Viges was a Specialist in the United States Army Infantry. He was deployed from February 2003 to February 2004 to Samawa, Fallujah, and Baghdad. He was 32 years old at the time of Winter Soldier (IVAW 2008: 55).

Even veterans who claim that they did not take part in any misconduct—in that they followed the rules of engagement set forth by the U.S. military—still expressed guilt for taking part in a war that they came to see as unjust. For instance, one confessor, Daniel Fanning<sup>20</sup>, who noted that he and the other members of his unit tried to treat the Iraqis with respect and did not take part in any dehumanizing acts, such as physical attacks, intimidation, destruction of property, or racist speech, stated:

However, I look back at the past six years, as someone who did enlist after September 11th, and I look back, and I ask what did I do? I mean I enlisted to be part of the solution, not part of the problem, but I feel like I did just the opposite.

## INCONSISTENCIES WITHIN THE SOCIAL ORDER

The Winter Soldier confessions address deviance that highlights inconsistencies within American society—namely that although the United States military portrays itself as peacekeepers who abide by the standards set up by the Geneva Convention and seek to improve the quality of life in other countries, in reality, the military fosters behavior that leads to war crimes and other abuses. According to Kelly Dougherty, a founder of IVAW, these war crimes and other abuses are the “result of our government’s Middle East policy, which is crafted in the highest spheres of U.S. power” (IVAW 2008: 4). Furthermore, these confessions portrayed other factors in the American social order, such as the racism, greed associated with capitalism, notions of hyper masculinity, and the general glorification of war and violence, as incongruent with the portrayal of the United States as fair and just. Dougherty states that the testimonies of

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<sup>20</sup> Daniel Fanning served in the Wisconsin Army National Guard as a Motor Transport Operator, from December 2004 to December 2005 in various parts of Iraq. He was 27 years old at the time of Winter Soldier (IVAW 2008: 182).

IVAW members “helped set the record straight and created an important tool for the American people to challenge the official government line” (IVAW 2008: 4).

The Department of Defense sought to obscure these inconsistencies both during the Vietnam era and the Iraq War by defining any war crimes or other abuses as the criminal acts of individuals unreflective of the practices of the military. For example, after the military investigation into the My Lai massacre of 1968, military officials concluded that the massacre was an “isolated incident” (Oliver 2007: 76). Concerning war crimes and other abuses in Iraq and Afghanistan, Lt. Col. Mark Ballesteros of the Department of Defense stated, “When isolated allegations of misconduct have been reported, commanders have conducted comprehensive investigations to determine the facts and held individuals accountable when appropriate” (Leiby 2007: 1).

Both VVAW confessors and IVAW confessors have attempted to maintain a delicate balance of demonstrating the links between war crimes and the military’s practices, as well as American society, without absolving themselves of responsibility for their actions. Crandell (1996), a member of the VVAW, explains that the original Winter Soldier Investigation demonstrated the need for both individuals and institutions to take responsibility for war crimes, as opposed to earlier approaches, which portrayed individuals as being solely responsible for such deviance:

At the end of World War II the triumphant Allies, declining to submit their own bomber offensive to juridical scrutiny, rendered just verdicts in the Nuremberg Trials and the Yamashita case, ruling in the former that orders do not excuse war crimes and in the latter that the commander is ignorant of the crimes his troops commit at the peril of his own life. These verdicts set tough standards, placing all responsibility at the level of the individual.

The Winter Soldier Investigation was not a trial. At the outset we pledged that there would be “no phony indictments,... no verdict against Uncle Sam.” Instead we presented “straightforward testimony—direct testimony—about acts which are war crimes under international law... acts which are the inexorable result of

national policy." We set out to balance the judicial decisions of the Second World War by insisting that the nation and its leaders examine their own responsibility for atrocities before those who committed such deeds were tried.

What relief we found as misled warriors came from confession rather than blaming. We never denied our individual responsibility for the acts we took part in. We were an army that was profoundly troubled by guilt for indefensible acts, and we admitted as much. Then we went further. We explained why we did those things, what orders we took, what assumptions we held, what policies and permissiveness we operated under. We confronted the racism, the sexism, the cultural egomania that shaped the Vietnam War. We invited America to come clean (26-27).

Similarly, in *Winter Soldier Iraq and Afghanistan: Eyewitness Accounts of the Occupations* IVAW explains the reinterpretation of war crimes as part of a larger pattern, rather than as isolated events, as they had been portrayed by the Department of Defense:

Over four days of gripping testimony, dozens of veterans spoke about killing innocent civilians, randomly seizing and torturing prisoners, refusing to treat injured Afghans and Iraqis, looting, taking "trophy" photos of the dead, and falsifying reports to make it look as though civilians they killed were actually "insurgents." Their goal: to show that high-profile atrocities like the torture of prisoners inside Abu Ghraib and the massacre of twenty-four innocent civilians at Haditha were not isolated incidents perpetrated by a "few bad apples," but part of a pattern of increasingly bloody occupations...

Whenever incidents that spotlight the gross inhumanity of the US occupation of Iraq leak into the media, they're quickly dismissed as isolated incidents, condemned by generals and politicians alike. "The actions of these few people do not reflect the hearts of the American people," President Bush intoned after Abu Ghraib prison scandal broke in 2004. "What took place in that prison does not represent the America that I know." The president also promised a swift investigation, promising those responsible would be "brought to justice."

Two years later, the same kinds of comments came from Washington after *Time* magazine reported the massacre of twenty-four Iraqi civilians in Haditha. U.S. military spokesman Major General William Caldwell told reporters that while "temptation exists to lump all these incidents together...each case needs to be examined individually."

Administration and Pentagon officials refuse to investigate why similar acts of brutality occur again and again, because they know that kind of thoughtful inquiry would lead to a damning indictment of the occupation itself (59-60).

## CREDIBILITY OF CONFESSIONS

The IVAW confessions emphasized credibility in multiple ways. First, IVAW directly maintained the credibility of the confessions by verifying the facts stated by the confessors. In the introduction chapter to *Winter Soldier Iraq and Afghanistan: Eyewitness Accounts of the Occupations*, IVAW states, “Each veteran who testified at Winter Soldier went through an extensive verification before they were allowed to testify” (11). Furthermore, IVAW notes that a team collected documentation of each participant’s proof of service, military discharge paper, identification cards, photos, videos, military order, Standard Operating Procedures, Rules of Engagement cards, and anything else the participant could provide to support his or her testimony. In addition, IVAW contacted other soldiers the participant served with and located any media reports that corresponded with the testimony of the participants.

Second, the confessors emphasized the credibility of their confessions by giving the public a view into backstage areas and discussing thoughts, emotions, and actions to which the public would not normally have access. For instance, in the following confession, Jason Washburn<sup>21</sup> discusses what was “commonly encouraged” behind “closed doors”:

Something else we were encouraged to do, almost with a wink and nudge, was to carry drop weapons, or by my third tour, drop shovels. We would carry these weapons or shovels with us because if we accidentally shot a civilian, we could just toss the weapon on the body, and make them look like an insurgent. By my third tour, we were told that if they carried a shovel or a heavy bag, or if they were seen digging anywhere, especially near roads, that we could shoot them. So we carried these tools and weapons in our vehicles in case we accidentally shot an innocent civilian. We could just toss it on there and be like, “Well, he was digging. I was within the Rules of Engagement.” This was commonly encouraged, but only behind closed doors. There obviously wasn’t a public announcement, but it was pretty common.

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<sup>21</sup> Jason Washburn served in the United States Marines as a rifleman. He was deployed to al-Hilla from March 19, 2003 to September 11, 2003, to Najaf from May 27, 2004 to February 6, 2005, and to Haditha from September 6, 2005 to March 31, 2006. He was 28 years old at the time of Winter Soldier (IVAW 2008: 20).



Several of the veterans revealed wartime practices to which the public is not normally privy, noting that the misconduct of soldiers is often hidden from the media and therefore the public.

Matt Howard<sup>22</sup> made the following statement about reporters:

Issues with reporters. How many times have you heard on the panels in the last couple of days how you cannot trust embedded reporters, because any time you have a reporter on patrol with you, *you will act differently*, and for me that just rang so true because we were briefed *extensively* on how to talk to reporters. We were constantly being told, 'if a reporter asks you how everything is, you just say good to go,' and it doesn't matter what the actual situation that you're experiencing is, that you better say everything is okay, and um, quite frankly there were many marines that they would not allow to talk to reporters.

Jon Turner<sup>23</sup> made the following statement at the Winter Soldier conference after displaying a picture of a dead man fallen across a bicycle:

This man right there was my third confirmed kill. As you can see he was riding his bicycle. This was later on in the day we went ahead, and we had CBS Laura Logan with us, but she was with the other squad, as, so she wasn't with us, and so myself and two other people went ahead and took out some individuals because we were excited about the fire fight we had just gotten into, and we didn't have a camera man or woman with us. With that being said, any time we did have embedded reporters with us our actions would change drastically. We never acted the same, we were always on key with everything, played everything by the books.

These confessions seemed credible because they included information that did not seem to be in the confessors' best interest to disclose. Confessors portrayed themselves in a negative light by implying that they were insensitive, prejudiced, or violent.

Some confessors also openly criticized the military, revealed possibly incriminating information about their superiors, and incriminated themselves by admitting to killing innocent people. For instance, Turner incriminates himself in the following confession:

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<sup>22</sup> Matt Howard served as a helicopter engine mechanic for the United States Marines in Iraq (IVAW n.d.).

<sup>23</sup> Jon Turner was a Lance Corporal in the United States Marines and served as an Automatic Machine-gunner. In 2006 he was deployed to Fallujah, Abu Ghraib, and Ramadi. He was 22 years old at the time of Winter Soldier (IVAW 2008: 23).

On April 18, 2006, I had my first confirmed kill. He was an innocent man. I don't know his name. I call him "the Fat Man." During the incident he walked back to his house, and I shot him in front of his friend and father. The first round didn't kill him after I'd hit him in his neck. Afterwards, he started screaming and looked right into my eyes. I looked at my friend I was on post with, and I said, "Well I can't let that happen." I took another shot and took him out.

In the following example Michael Leduc<sup>24</sup> also incriminates himself during his confession, after explaining that going into Fallujah the rules of engagement included killing anyone who was moving from one location to another, anyone who ran away from the soldiers, or anyone with a weapon, pair of binoculars, cell phone, or white flag:

Fallujah: we went by those [rules of engagement]. Fighting was fairly intense for the first few days especially. Leveling houses before we even went in became pretty commonplace, using bulldozers and tanks to do the job for us, and walking through the rubble. After the first few days, things began to calm down. We'd be holed up in houses for a few hours or maybe a day or two and we'd get bored. We'd get angry and be like, "Let's break stuff." We ran out of people to shoot, so we turned to dogs and cats, chickens, whatever's moving.

In another example, Scott Ewing<sup>25</sup> stated that the soldiers strategically used Iraqi children as human shields:

Soon we began to bring candy our in bags and the guys up in the turret of the Bradleys would throw it out the sides of the vehicle. The kids all rushed to the sides of the vehicle and hung out and fought for the candy. It was billed as a gesture of goodwill. There was also another motive: If the kids were around our vehicles, the bad guys wouldn't attack. We used the kids as human shields.

## DEFINING THE DEVIANCE AND ASSIGNING THE RESPONSIBILITY

As noted above, one of the main goals of the confessions was to explore the origins of the deviance that the participants took part in; another is to witness and explore the political implications. Many of the confessors examined their own responsibility for these deviant acts

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<sup>24</sup> Michael Leduc was a Corporal in the Marine Corps. He was deployed as an Assaultman to Anbar, Haditha, and Fallujah from June to December 2004 (IVAW 2008: 67).

<sup>25</sup> Scott Ewing held the rank of Specialist while serving in the United States Army as a Calvary Scout. He was deployed to Tal Afar from March 2005 to March 2006 (IVAW 2008: 70).

and in doing so delegitimized themselves as representatives of the military. By showing that they were in part responsible for these deviant acts, the confessors not only provided a more complete picture of the acts, but also demonstrated that violent actions and insensitive attitudes were prevalent within the military.

By linking themselves and their deviant actions to the military as a social institution, the confessors delegitimized the social institution by delegitimizing themselves. Many of the confessors explained that their motivation to join the military and go to war were fueled by a desire to be violent and destructive and in doing so, created an association between the military and senseless violence, even while taking responsibility as individuals for their part in the violence. For instance, Adam Kokesh<sup>26</sup> stated, “I wanted to blow things up” and Goldsmith admitted, “I joined the army to kill people.”

Similarly, several of the confessors explained that many of the violent activities they took part in were not linked to any clear objective or goal, and therefore should not be seen as justifiable, although unfortunate, acts of war, but as senseless, cruel war crimes or other abuses. Furthermore, many of the confessors implied that the rules of engagement set forth by the military were simply formalities and that in actuality unjustifiable violence was more or less permitted. This is demonstrated in Ryan Endicott’s<sup>27</sup> confession:

I knew my time had come. As I laughed, I ran, this was everything I had hoped for. My chance to kill. I didn’t care how or who, but someone was going to die today, and I was going to be a part of the gun club, which I so cherished. From that moment forward, our efforts became more intense, we began getting intelligence of suspected terrorist safe houses, weapons caches, we would gear up, pump our death metal and pump each other up comparing body counts, telling

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<sup>26</sup> Adam Kokesh was a Sergeant in the United States Marine Corps reserve. He was deployed to Fallujah from February 18 to September 14, 2004. He was 26 years old at the time of Winter Soldier (IVAW 2008:42).

<sup>27</sup> Ryan Endicott served in the United States Marine Corps in Iraq and Southeast Asia at the rank of Corporal (IVAW 2009).

each other, 'It's only a matter of time before we get another.' We knew every way to walk right around the rules of engagement. Rules of engagement - what a joke! To us, the rules of engagement were not rules at all, but merely words on a piece of paper, somewhere printed for the sole purpose of protecting officers if we grunts actually got caught.

The idea that war crimes were widespread within the military was also seen in Steven Casey's<sup>28</sup> confession:

Oh at that time, when we first got down there you could basically kill anyone that you wanted, I mean it was that easy, you didn't even have to get off and dig a hole or anything like that, all you had to do was having something there for a picture, I mean we were driving down the road at 3 in the morning, there was a guy along the side of the road, shoot him, throw a shovel off, there you go.

In his confession, Howard even notes that the violence that individuals took part in in Iraq should be defined as murder and not simply collateral damage of war:

So based on what I've seen, I was there in the initial invasion, and it was just a turkey shoot. We shot our way North, you know, the whole way to Baghdad, um, the killing of civilians, this is criminal. This is, it's not collateral damage, it's murder.

The confessors also demonstrated that their motivation for deviance was linked to the culture and policies of the military. In these confessions the military is portrayed as the villain—evil and located outside of the dominant culture—that fostered and encouraged their acts of deviance. In these narratives the confessors present themselves as minions for the U.S. military. The military is a powerful institution that lied to them, manipulated them emotionally, used racist rhetoric to encourage them to take part in unjustifiable acts of violence, and rewarded and punished them accordingly. During an interview, Casey describes how the military dehumanized Iraqis in order to manipulate the soldiers into taking part in violent acts:

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<sup>28</sup> Steven Casey was a Specialist in the United States Army and served as a Calvary Scout. He was deployed to Baghdad and the surrounding areas between April 2003 and July 2004. He was 24 years old at the time of Winter Soldier (IVAW 2008: 33).

Casey: "Overall, just the total disregard for how they jam into your head, 'this is haji, this is haji, you know, you totally take the human being out of it, and make them a video game." Reporter: "And your superiors were doing that? Your commanders?" Casey: Oh, of course." Reporter: "Up to what level?" Casey: "I mean everybody."

Similarly, Camilo Mejia<sup>29</sup> stated that the source of the war's abuse was insensitive leadership and a criminal policy, not the soldiers themselves:

When I arrived in Iraq, the first mission we had was one in which we kept prisoners sleep deprived for periods of up to three days in order to soften them up for interrogation. And because of the way our leadership was conducted itself—driven mostly by ambition and total disregard for the lives of civilians—we ended up killing a lot of unarmed people, and a lot of these things were things that could have been prevented, but were not, not because soldiers on the ground are bad apples or wake up one day as monsters, but because there's a policy behind everything that we do that's criminal.

Bryan Casler<sup>30</sup> described the culture of the marines as encouraging violence and dehumanizing others:

Some common things you'll face in your daily non-combat environment. If you're in an office and it's the morning, and you're walking by one of your staff sergeants and you say, "Good morning, staff sergeant." I guess the common response in the civilian world would be, "Good morning to you too." But in the Marine Corps, you get, "Er, kill babies." That's motivating. That's not meant to be funny. That's meant to motivate you and start off your day with, "Er, kill babies." And this isn't something that just happens once. The Marine Corps is filled with one-upmanship to say the most dehumanizing, racist, most offensive thing, and to enjoy it while you're doing it...Marines love nothing more than to one-up each other by using their training, and when you become stagnant and the mission becomes survival, marines use their training on marines around them or on the civilian population. I saw our training for protesters or violent situations used on unsuspecting civilians countless times, because there were no rules. This was perpetrated by squad leaders and platoon sergeants. It happened all the time.

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<sup>29</sup> Camilo Mejia served in the United States Army in Iraq from April to October 1993. He was charged with desertion and was incarcerated for one year after refusing to return to Iraq after a two week furlough in the US. He is currently the Chair of the Board of IVAW (IVAW 2008: 212).

<sup>30</sup> Bryan Casler served in the United States Marine Corps as a Rifleman at the rank of Corporal. He was deployed in 2003 to Kuwait, in 2004 to Kabul, and in 2005 to Fallujah. He was 24 years old at the time of Winter Soldier (IVAW 2008: 78).

Several veterans also told stories of their commanding officers encouraging war crimes and abuse and punishing those who hesitated to use violence. For instance, Jimmy Massey<sup>31</sup> states that after killing multiple individuals in ambiguous situations and discovering that they were all innocent civilians, his commanding officer acted in a callous manner:

I was so devastated by my commanding officer, Captain Schmidt, he came up to me and said, 'what's wrong, what's wrong, you look a little under the weather.' And I said, 'Well today's been a bad day sir, we killed a lot of civilians.' And he said, 'No, today's a good day.' When he said that I realized I was in the wrong place, that maybe I wasn't cut out for the marines.

Turner added that the following occurred after he intentionally killed an innocent individual in front of the victim's family:

We were all congratulated after we had our first kills, and that happened to have been mine. My company commander personally congratulated me, as he did everyone else in our company. This is the same individual who had stated that whoever gets their first kill by stabbing them to death will get a four day pass when we return from Iraq.

Endicott attributed some of his willingness to take part in abuse to being punished after not using violence in an ambiguous situation:

Back on post there was a time when somehow some way, there was an Iraqi who had managed to get himself lost and had ended up knocking on the door to my post, which happened to be next to our sleeping area, as I answered the door and saw the Iraqi standing there, I accepted my fate, and I jumped on top of him. I assumed that he was a suicide bomber, and I had seen my last day, as I began to punch him, brutally I sat on top of him, punching him as hard as I could. After a moment I got him under control and handcuffed him. He was simply a man who had just gotten lost. I was punished harshly, not for my actions, not for harming an unarmed civilian, but for not killing him. I was told he should have been killed for being there, and I would have been protected. I was forced to burn human feces, stand hours at additional post, and physically punished. I was ostracized and called a wuss and girl for not killing him. I had lost all respect that I had gained and that I had killed for to earn. I was forced to stand six hours of post at a time, directly behind an air conditioning unit, with all the heat blasting out of the back side and onto my face, in the middle of the summer in one of the hottest places on the earth.

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<sup>31</sup> Jimmy Massey served in Iraq in 2003 as a Staff Sergeant. He is a co-founder of IVAW (IVAW n.d).

I stood that post twelve hours a day, four days a week for over a month. The man that arose from that month was someone I hope to never meet again. The last bit of humanity and morality I had left was gone.

Many of the confessors noted that it was not only the military that had led them to take part in war crimes and other acts of abuse, but that other parts of the social order—such as the media, American culture, big oil companies, and the power elite—had influenced them as well. For instance, in the following statement, Kristofer Goldsmith<sup>32</sup> identifies the media as at fault:

I'm from Belmore...I could see the smoke when the tower fell on September 11th. On September 12th I remember standing up in a pizza restaurant and telling everyone about how I wanted to kill everyone in the Middle East. How the Middle East should be turned into a glass plate by nuclear weapons, because that's what I believed. That's what the media had trained me to believe. The media had created racism inside of me that was unjust. I joined the army to kill people...There was a little boy, on an alley way to my left, on top of a building. A little boy who hated American soldiers. And he was holding up a stick, as if to mock having an AK-47, and he was pointing it at me, pretending to shoot. I trained my weapon on him. I positively identified my target. I trained my weapon on him, and thought for a couple minutes, "I hate these Iraqis. I hate these kids who throw rocks and bricks at me. This is my chance. I can kill this kid. Just to take one out of the couple million of them out." It took me a lot of thinking to not pull that trigger that day. I could have killed a six-year-old boy, I could have killed someone's son, but I didn't. But I was put in that position. I was put in that position by the United States occupation of Iraq and by the media creating this hatred for Iraqis.

Similarly, Howard linked war crimes and other abuses to American culture in general:

Um, to me, this war is just a symptom of something that's much larger, lurking in our society. You know, and I really feel that that's the war within ourselves. You know, how we think, the language we use, the arguments we get in with friends and family. For me, what we see in Iraq is just merely an extension of that. It's merely a manifestation of the culture of violence that we cultivate here at home. The carnage in Iraq to me is just an extension of that anger.

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<sup>32</sup> Kristofer Goldsmith was a Sergeant in the United States Army and served as a Forward Observer. He was deployed to Sadr City from January to December 2005. He was discharged from the military after attempting to commit suicide to avoid further deployment. He was 27 years old at the time of Winter Soldier (IVAW 2008: 185).

Other confessions linked oil and capitalism to the war and saw this as the root of war crimes and other abuses in Iraq. For example, Casey stated:

Interviewer: And the tie in with big oil, were you feeling that over there? Were you feeling like you were protecting oil in a way? Just for someone like me who doesn't know that much about it, what would you have to say about that?

Casey: No for sure, that was actually my battalion's first objective, was uh, called operation crown jewel, and it was, after we crossed the border from Kuwait into Iraq, we went to secure the world's third largest oil refinery.

Similarly, Fanning said:

...while at Fort Benning we received pep talks from well-paid contractors who came into our briefing rooms and insulted the intelligence of the hundreds of us who enlisted voluntarily to serve our country. I remember like it was yesterday, a chubby white guy came into our room. He tried telling us "those liberal tree huggers that are saying this war's about oil are so wrong because we're not importing any oil from Iraq." I mean it doesn't take a lot of research to realize that at the time of the invasion we were getting around 10 to 11 percent of our oil from Iraq. Having people stand before us while in uniform and lie to us hurt our morale.

Michael Prysner<sup>33</sup> explained that he sees war as part of a larger pattern within the social order, where the power elite exploit the underclass for profit:

And the ruling class, the billionaires who profit from human suffering, care only about expanding their wealth, controlling the world economy, understand that their power lies only in their ability to convince us that war, oppression, and exploitation is in our interest. They understand that their wealth is dependent on their ability to convince the working class to die to control the market of another country, and convincing us to kill and die is based on their ability to make us think that we are somehow superior. Soldiers, sailors, marines, airmen, have nothing to gain from this occupation. The vast majority of people living in the U.S. have nothing to gain from this occupation. In fact, not only do we have nothing to gain, but we suffer more because of it. We lose limbs, endure trauma, and give our lives. Our families have to watch flag draped coffins lowered into the earth. Millions in this country without health care, jobs, or access to education must watch this government squander over \$450 million dollars a day on this occupation. Poor and working people in this country are sent to kill poor and working people in another country, to make the rich richer. And without racism,

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<sup>33</sup> Michael Prysner served in the United States Army Reserve as an Aerial Intelligence Specialist. He was deployed to Iraq from March 2003 to February 2004. He was 24 years old at the time of Winter Soldier (IVAW 2008: 98).



soldiers would realize that they have more in common with Iraqi people than they do with the billionaires that send us to war. I threw families onto the street in Iraq, only to come home and find families thrown onto the street in this country, in this tragic and unnecessary foreclosure crisis. We need to wake up and realize that our real enemies are not in some distant land. They're not people whose names we don't know. And cultures we don't understand. The enemy is people we know very well and people we can identify. The enemy is a system that wages war when it's profitable. The enemy is the CEOs that lay us off from our jobs when it's profitable, it's the insurance companies that deny us health care when it's profitable. It's the banks who take away our homes when it's profitable. Our enemy is not 5,000 miles away, they're right here at home.

The confessors delegitimized the military and the war through their confessions by explaining that their own actions, as well as the actions of other soldiers, had in various ways neutralized many of the legitimate reasons for the occupation of Iraq. This strategy demonstrated the inconsistencies between the portrayal of the United States military as a peacekeeper attempting to bring democracy and humanitarian aid to a country and the realities of the war. While the military might have claimed to be liberating the Iraqis, rebuilding the country, and providing citizens with food and fresh water, the confessors explained that their actions and the actions of other soldiers either contradicted the stated intentions of the military or that the negative effects of the grievous activities of the U.S. military far outweighed the positive effects of the occupation. For example, Howard confessed that his unit's humanitarian rations were destroyed:

When I was being set to deploy, or should I say when we were set to invade, at the last minute they gave me a pallet of humanitarian rations on my truck. Um, you've heard in other testimony a lot of people received rations during the initial invasion, clearly marked humanitarian. When we got over the border, we also heard there were plenty of Iraqi children begging for food. I instantly put one and one together to make two, I started handing out the humanitarian rations. No sooner did I start handing out those rations, then my first sergeant came up to me and in no uncertain terms made it crystal clear to me that I was under direct orders not to give out any more food to any more Iraqi children. The word was that General Mattis, commander of the first marine division did not want to give the Iraqis the wrong impression about why we were there. To make a long story short, I got all the way to Baghdad, I got all the way back to Kuwait finally, and I still

had this food on my truck, and I went to my commander and I said, ‘What am I to do with the humanitarian rations,’ and he said, ‘bury it.’ And I did. I buried it in a garbage pit in Kuwait.

In addition, Goldsmith stated that he felt that the military did more to imprison Iraqis than to liberate them:

After going to Iraq, I quickly learned that it wasn’t at all like I thought it was going to be. The people of Iraq are not grateful for us liberating them. They were angry because we were oppressing them. We gave them a curfew and told them that if they came out at night they’d be arrested. Sometimes physically abused, they were often harassed....Imagine living in a place where it gets up to 150 degrees. You don’t want to go out there during the day, you want to stay in the shade, and at night, American soldiers are roaming around your streets telling you that you can’t go outside and you can’t talk to your friends, you can’t enjoy yourself, you can’t gather outside the coffee house or the chai shop because if you got out past dark, you’re committing a crime. So essentially during the summer months Sadr City was a prison. 3.2 million people in Sadr City were prisoners of war.

Jason Hurd<sup>34</sup> claimed that the occupation in Iraq made life worse for the Iraqis:

Another time I was out on patrol in the Kindi Street area. I approached a man with my interpreter on the side of the road and said, “Look, are your lives better because we are here? Are you safer? Do you feel more secure? Do you feel like we are liberating you?” That man looked me straight in the eye and said, “Mister, we Iraqis know that you have good intentions here, but the fact is that before America invaded, we didn’t have to worry about car bombs in our neighborhoods. We didn’t have to worry about the safety of our own children before they walked to school, and we didn’t have to worry about U.S. soldiers shooting at us as we drive up and down our own streets.”

## CLOSURE

Not all confessions addressed the idea of closure or discussed a resolution to the war crimes and other abuses. However, confessions who did address the idea of closure did not

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<sup>34</sup> Jason Hurd served as a Specialist in the Medic Troop of the Tennessee National Guard. He was deployed to Central Baghdad from November 2004 to November 2005. He was 28 years old at the time of Winter Soldier (IVAW 2008: 38).

provide any sort of reassurance that the war crimes or other forms of abuse had come to an end, and instead, stated that there would only be some sort of closure when the war ended.

While many of the veteran confessors discussed personal transformations, these transformations were not framed as evidence that their deviance had been resolved or neutralized. The veteran narratives of transformations had more to do with experiencing an awakening and realizing how the military and American culture in general had led them to think in insensitive ways and take part in abuse. Some of the confessors even pointed to specific memories, videos, or photos of actions they took part in while at war that were difficult for them to make sense of once they had reacclimated to civilian life. For example, Casey stated:

We watched video tapes of me and how I was acting and how my friends were acting. It was real reflective to sit back and watch yourself saying those kinds of things, and in your heart, you know that it's not right.

Viges confessed the following:

And the lack of humanity in war, the place where you put yourself, when you look back, it's almost alien. We were driving down Baghdad one day and we found a dead body on the side of the road, so we all pull over to secure it and wait for MPs or whatever authorities would come and take care of this dead man here who was clearly murdered and my friends jumped off and started taking pictures with him, you know with big ol' smiles on their faces, and they said, "Hey Viges, you know, you want your picture with this guy?" And I said no. But no, not in the context of that's really messed up, because it's just wrong, on an ethical basis, but I said no because it wasn't my kill, you shouldn't take trophies for things you didn't kill. I mean that's where my mindset was back then. Cause I wasn't even upset that this man was really dead. They shouldn't have been taking credit for something they didn't do.

Michael Totten<sup>35</sup> said:

When I first arrived in Iraq, I was stationed in one of Saddam's palaces in Baghdad. I had a picture taken of me pointing to an American flag, thinking to

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<sup>35</sup> Michael Totten served in the Military Police of the United States Army, with the rank of Specialist. He was deployed to Karbala from April 2003 to April 2004. He was 26 years old at the time of Winter Soldier (IVAW 2008: 63).

myself, “Good job,” and being proud of my country. This highlights the arrogance that I had in this point in my life. It displays the heightened sense of importance that I felt and that many in my unit felt. This arrogance permits us to do harm to the Iraqi people and to treat them as second-class citizens.

The confessors who spoke about closure stated that these personal transformations or awakenings prompted them to speak out against the war and raise public awareness of the unjustness of the war. Because they saw war crimes and other forms of abuse as being promoted and fostered by the military and other American social institutions, they felt that it was not sufficient for them to change as individuals and that a larger transformation within the social order was needed to put an end to the problem. Therefore, the confessions that addressed closure were typically concluded with a call for the war to end, not for soldiers to act differently or take part in personal transformations. For example, Turner stated, “Until people hear about what is going on in this war, it will continue to happen, and people will continue to needlessly die.”

Similarly, Prysner concluded his confession by saying:

Our enemy is not 5,000 miles away, they’re right here at home, and if we organize and fight with our sisters and brothers, we can stop this war, we can stop this government, and we can create a better world.

## LEGITIMACY

By introducing reports of deviance to the public and then highlighting the inconsistencies within the social order linked to these acts, the confessors attempted to delegitimize the social order and demonstrate a need for social change. In addition to confessions of specific wrongdoing that implicated the military and the government, some of the confessors also highlighted inconsistencies within the social order by making statements alluding to ideas of hypocrisy in America. For example, Prysner stated, “We were told we were fighting terrorists, but the real terrorist was me and the real terrorism is this occupation.” Similarly, Kokesh framed the attitude of the government and American citizens in the following way:

We were constantly struggling to justify our existence, and we came up with a slogan: “We care so that you don’t have to.” To the macabre Marine Corps sense of humor that’s pretty funny. But it’s easy to step back and think, “Man, we’ve got unit in Iraq whose job is to care so that someone else doesn’t have to. But that someone else isn’t just those grunts in infantry, but it was everybody all the way up. We care so that Paul Bremer doesn’t have to, so that the chiefs of staff don’t have to, so that Congress doesn’t have to, and so that the president can gush on and on about how much he cares about the Iraqi people while continuing a policy that is decimating their country. And we care so that the American people don’t have to, so that these things can go on in our names and they can just go back to the mall and their daily lives and pretend like nothing’s wrong. That’s one of the things that disturbs me the most about the state of affairs right now.... I have to conclude that even in the best of situations in Iraq, civilians still die, questionable decisions are still made, the insurgency still rages, and in the end the only war our country has waged well is propaganda war on its own people.

The message of these public confessions—that “the abuses committed in the occupations, far from being the result of a ‘few bad apples’ misbehaving—are the result of our government’s Middle East policy,” (Dougherty 2008: 4) and that the structure and culture of American society contributed to these abuses—was incongruent with the message of the United States government. The United States government had stated that the War in Iraq was a justified war, that the United States military had been actively working to create freedom in Iraq, that the war was improving the lives of Iraqi civilians, and more generally, that the United States government is legitimate, makes sound decisions, does not take part in warmongering, and is not motivated by greed.

By delegitimizing the military and other aspects of American society, IVAW claimed a need for sweeping social change. First, these narratives explained the importance of IVAW’s three main goals. Second, these narratives demonstrated that the American public should examine the “realities” of the war and not merely trust the United States government to make decisions regarding military action. As Mejia states:

Today’s society is not experiencing the horror that our military intervention of Iraq is causing to both Iraqis and to service members and their families. Hiding the gruesome reality of the occupation of Iraq is not meant to respect the dignity of the fallen, as our government would have us believe. It is meant to minimize

the emotional impact of the occupation so that the United States, as a nation, does not take ownership of the crimes the government commits in its name, with its money, and with the blood of its sons and daughters.

Part of the work of GI organizers is to ensure that the American people, through the voices of veterans and active members of our military, *do* experience the war. We want regular civilians to know about the suffering of Iraqis, and how our military operations are carried out in the countries we occupy. We want the public to know that occupation translates into the oppression of people, into the killing of unarmed Iraqi civilians, into the humiliation of an entire nation, into the destruction of the environment, and into the destruction of the moral fabric of the members of our military.

In order to achieve this goal, to help the American people take ownership of the actions of our government and of our military, we have to empower our brothers and sisters, both veterans and active-duty and reserve personnel, to speak out. We want people at home to hear not from the government pundits, officials, generals, or from the politicians, but from those of us who have intimate knowledge of our military and of war and occupation (215).

The fact that these public confession are used by a social movement organization to delegitimize social institutions and the social order more generally, qualifies them as whistleblowing confessions. As IVAW (2008) states, such confessions “challenge the assumption that only those with wealth or power can write history or lend crucial insight to the life-and-death issues that affect us all” (p. 3). Public confessions may be used in whistleblowing—either as part of a social movement or on behalf of individuals—so that those who take part in deviance may have a voice in defining the deviance, discussing the role of the social order in such deviance, and possibly delegitimizing the social order.

While Foucault tells us that at times public confessions backfired and resulted in an audience that was more sympathetic with the condemned than with the sovereign, public confessions that have been organized outside of social institutions in order to delegitimize the social order appear to be a fairly new occurrence

## RECEPTION AND AFTERMATH

While IVAW was generally disappointed with the lack of media coverage among major news outlets (IVAW 2008), Winter Soldier was mentioned in a number of media outlets (for a list of media outlets, see [www.ivaw.org](http://www.ivaw.org)). The various public confessions recorded at Winter Soldier, Iraq and Afghanistan and uploaded to YouTube have been viewed anywhere from a couple hundred times to over a millions times. The Congressional Progressive Caucus invited nine members of IVAW to speak at Capitol Hill (IVAW 2008). In addition, Winter Soldier, Iraq and Afghanistan has received press coverage in France, Germany, Great Britain, and China, and several members of IVAW have taken part in a book tour in Japan, which has drawn at least 2,000 attendees, which have donated close to \$10,000 to IVAW.<sup>36</sup>

It is difficult to ascertain the number of individuals who have been made aware of the Winter Soldier confessions, and to what degree, if any, such confessions had an impact on the increasingly negative public opinion of the war, which may have contributed to the Obama Administration's decision to end the war. Still, members of IVAW have remained confident that their testimonies have political impact. As Phil Aliff<sup>37</sup> states, "our ability to articulate opposition to the Iraq War is what gives us the power to end it" (IVAW 2008: 205).

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<sup>36</sup> According to IVAW's website, Japanese citizens have an interest in IVAW due to their desire for a relocation of Marine Corps Air Station Futenma in Okinawa that was established after World War II. IVAW states, "In addition to noise pollution and crashes during military operations, Okinawans have endured rapes, murders, and other violent crimes in their communities carried out by Marines stationed there."

<sup>37</sup> Phil Aliff served in the United States Army at the rank of Private. He was deployed to Abu Ghraib from August 2005 to July 2006. He was 21 years old at the time of Winter Soldier (IVAW 2008: 203).

## Conclusion

The previous chapters demonstrate that despite the fact that the three sets of public confessions occurred in different contexts, they share common themes: they were constructed as highly credible, highlighted inconsistencies within the social order, defined the deviance and assigned responsibility for the deviance, and proposed closure. These confessions also reflected debates over the legitimacy of power holders and the social order, thereby either reinforcing or challenging that legitimacy.

During premodern and modern eras, power holders typically organized and controlled public confessions that enhanced their ability to define deviance and its political implications. In the late twentieth and early twenty first century, the development of “democratizing” social media facilitated the use of public confessions by social movement organizations. Contemporary public confessions are organized by both power holders and social movements and are employed in show trials, truth and reconciliations trials, and whistle blowing initiatives. Thus, although the themes of public confessions have not changed significantly over time, the introduction of new media has altered who organizes public confessions and to what means public confessions are used.

As noted previously, the literature on fear of crime shows that reports of crime can lead to distrust in social stability, moral consensus, and informal social control processes (Bannister 1993; Glassner 2000; Madriz 1997; Parenti 2000; Innes 2004; Tulloch 2003; Goffman 1972; Merry 1981). Research on fear of crime typically focuses on violent street crime in lower socioeconomic areas. I argue that other types of crime may also be effective in highlighting inconsistencies within the social order and that those types of crime that most effectively focus attention on inconsistencies within the social order are most likely to result in public confessions.

INCONSISTENCIES IN THE SOCIAL ORDER



In each of the three sets of public confessions I examined, the confessions highlighted an inconsistency within the social order that could reflect negatively on government officials, dominant culture, or the social order. Just as some events may highlight an obvious inconsistency between a cultural value and conventional social practices, or bring attention to a system's vulnerability or illegitimacy, certain types of deviance can disrupt the public's faith in the social order by highlighting the gaps between reality and dominant cultural narratives.

The public confessions I examined typically followed deviance that could disrupt the public's trust in their leaders, the dominant ideology, the effectiveness of social institutions, or the social order. Deviance may highlight inconsistencies within the social order when it is committed by a member of society rather than an outsider, especially by someone of high status or public significance. Citizens see such individuals as a reflection of their society; if the representatives of society are not fulfilling their roles properly, then society is not functioning properly. Deviant acts that affect large segments of the population, such as the human rights violations that took place in South Africa, may also warrant public confessions. Citizens expect the government to protect them from becoming victims of crime, so when victimization appears to be epidemic, social institutions seem weak. Deviant acts that involve challenging the authority of a power holder may also be disruptive enough to warrant public confessions, such as the alleged plots of the defendants of the Trial of Sixteen, who were accused of planning a coup.

Reports of deviance demonstrate that members of society do not always act as they should, the social institutions meant to protect them do not always work to socialize and control other members of society, authority figures do not always govern the public effectively, and citizens' actions are not always aligned with dominant cultural values. Such inconsistencies may lead individuals to evaluate and even become cynical of political leaders, social institutions, and

social orders more generally. Deviance may be taken as a sign that something in society is not designed effectively or not working as it was designed. And in the contemporary world, deviance is not only locally or nationally visible, it is visible everywhere and anywhere on the internet.

Foucault (1977) makes the point in *Discipline and Punish* that public confessions and executions in pre-modern Europe were linked to the idea that any criminal act indirectly challenged the sovereign, who ultimately headed the legal system. I suggest that such acts of deviance not only challenge authority figures but also the social institutions under their direction and the dominant cultural ideology that they espouse. However, I also posit that deviance can be defined in multiple ways and attributed to multiple causes, and that how deviance is defined and to what or whom it is attributed can either reinforce or challenge the social order.

In the three cases I examined, once deviance had highlighted inconsistencies within the social order, public confessions were used to make sense of the deviant acts in a way that either minimized or obscured the inconsistencies and reinforced the legitimacy of power holders, social institutions, and the social order, or they were used to make sense of the deviant acts in a way that further emphasized the inconsistencies in order to challenge the legitimacy of power holders, social institutions, and the social order. The confessions involved making sense of the crimes to which the confessor was confessing, assigning responsibility for these crimes, and providing closure by either reassuring the public that such crimes had ceased or explaining what it would take to stop such crimes. In all three cases defining and contextualizing the crimes and addressing closure had implications for the legitimacy of various political parties, political figures, or the social order in general.

The Moscow Show Trials addressed the assassination of Kirov and plans for future terrorism, both of which highlighted the lack of unity within the Soviet Party and indicated that

some members of the party—which was framed politically as representing the interests of the public—were more driven by a desire for power than a concern for the well-being of the public. While it has been widely accepted that the specific charges faced by the defendants were falsified (Orlov 1953; Rogovin 1998; Conquest 1990), it is clear that the constructed deviance, the trial, and the confessions were linked to inconsistencies within the social order: that Stalin was acting as a dictator, was likely an accomplice or instigator in Kirov’s assassination, and was not acting in the interests of the party or the public (Carmichael 1976; Conquest 1990; Getty and Naumov 1999). The Moscow Show Trials reflect the failure of members of the Soviet Party to act consistently with their stated ideals.

The confessions of the South African Truth and Reconciliation Commission Amnesty Trials addressed human rights violations on behalf of both antiapartheid movement organizations and police and military forces. These human rights violations highlighted the fact that the National Party simultaneously condemned human rights violations and refused to acknowledge any responsibility, while encouraging the racial hostilities that led to such human rights violations—and even participating in such violations (Beck 2000; Goodman 2009; Thompson 2001).

The Winter Soldier confessions addressed war crimes and other abuses that highlighted the fact that although the United States military portrays itself as peacekeepers who seek to improve the quality of life for citizens of other countries and who abide by the standards set up by the Geneva Convention, actual military action may be quite different. The military fosters behavior that may lead to war crimes and other abuses—often targeting the very individuals they are assigned to protect (IVAW 2008). Furthermore, these confessions portrayed other elements of the American social order, such as racism, capitalistic greed, notions of masculinity, and the

general glorification of war and violence, as incongruent with United States as “fair and just” (IVAW 2008).

## CREDIBILITY OF CONFESSIONS

As both Foucault (1977) and Abrahamian (1999) have noted, confessions are typically thought to be highly credible. In fact, in many societies, particularly theocracies, confessions are considered to be “the proof of proofs, the mother of proofs...and the best evidence of guilt” (Abrahamian 1999: 10). Foucault (1977) described confessions as:

the act by which the accused accepted the charge and recognized its truth; it transformed an investigation carried out without him into a voluntary affirmation. Through the confession, the accused himself took part in the ritual of producing penal truth (38).

The credibility of confessions pertains not only to proving the confessor guilty, but also to how the confessor defines and frames situations and events. At first glance it may seem odd that the public would see a deviant individual’s confession as credible, as being deviant typically denotes untrustworthiness. I suggest two reasons for public credibility. The first is that confessions are framed as a window into a backstage area, revealing information that seems more authentic than we would normally obtain through public statements. The second is based on ideas that those who are deviant have a unique perspective from which to evaluate society.

First, although the typical public confession is formal and institutionalized, confessions are often thought to contain raw information about attitudes, thoughts, emotions, and actions that would not normally be presented outside of a backstage area, as such information would be quite detrimental to impression management and could lead to stigmatization. Members of the public are accustomed to taking part in impression management and presenting a polished version of the self and understand that others do as well (Goffman 1959; Goffman 1963). People assume that others generally seek to present themselves in the best possible light, and therefore when

discussing themselves emphasize positive information, hide negative information, and if possible, frame neutral information in positive terms.

However, confessions may create the sense that the public has been allowed to examine what Goffman (1961) called the “informational reserve of the self” (p. 23) which can be thought of as a sort of a private record of information about the self that is not openly shared with others. During a public confession, an individual must not only acknowledge, but elaborate upon, actions, thoughts, and emotions that have negative implications for his or her self—information that would normally remain hidden, lied about, covered up, or explained away. Public confessions are credible for the same reason that they are a spectacle—they give the public the feeling that they have been given the extremely rare opportunity to see the “true” unmanaged, inner self.

In his work on degradation ceremonies, Garfinkel (1965) states that for a degradation ceremony to be successful, a denouncer must be seen as a neutral actor who embodies the values of the community, but does not stand to gain from the denouncement personally—as a denouncer who will not benefit from a degradation ceremony will be more likely to serve the interests of the population rather than his or her personal interests. While public confessions do not always take place in degradation ceremonies, the confessors act as their own denouncer, and their credibility is similarly linked to the idea that their confessions do not serve their personal interests. While the confessors are hardly neutral actors in the hearings, by presenting stigmatizing information that has the potential to spoil their identity, they attempt to establish the idea that they had nothing to gain from their role in the confessions, and therefore no incentive to falsify their confessions.

The second reason that confessions may seem credible is that nondeviants assume that deviants have experience that is not common to the rest of the public. As individuals who have broken rules and laws or challenged ideology, they may have a different perspective on society, the government, and the accepted rules, laws, and ideology. Those who are deviant may even be thought to be more genuine or authentic in their statements; if they subsequently endorse the dominant ideology and government it is not merely out of habit, fear, or an inability to imagine life otherwise. Reformed deviants who confess have tested the social boundaries of society, tasted deviance, and chosen not only to return to a normative lifestyle but to publicly endorse the social order.

Confessors play the role of the deviant individual—or more generally represent deviant individuals—whether they are guilty of deviant behavior or not. In some cases, like the Moscow Show Trials, the confessors are designated as deviant in order to gain credibility before defining the deviance in question, although they did not actually take part in the deviant acts to which they are confessing. In other cases, like the South African Truth and Reconciliation Commission Amnesty Trials, the confessors confess to their own deviant behavior, but in doing so implicitly present the audience with a way to define and make sense of similar instances of deviant behavior of which they did not take part. Still in other cases, like IAWW's Winter Soldier, the confessors confess to and make sense of their own deviant behavior, but also explicitly speak about how to make sense of the many deviant acts that were similar to their own. In this sense it is not crucial to the confession that the confessors are directly responsible for every instance of deviance they address. However, in order to establish credibility, the confessors must present themselves in the role of the deviant individual and confess to taking part in the deviant behavior.

In the three sets of confessions, not only did the confessors assure the public of the truthfulness of their confessions, they also established credibility by discussing thoughts, feelings, and behaviors that took place in backstage areas and by reporting information that would likely spoil their identities. By exploring the backstage “informational reserve regarding the self” (Goffman 1961: 23), the confessors demonstrated that their experience put them in a position to address the political implications of their deviance. Reporting information that could spoil their identity also helped to establish credibility.

In the Moscow Show Trials, the defendants gave the impression of creating a window to a backstage area by outlining their terrorist plans and confirming transcripts of earlier interrogations. Furthermore, the defendants admitted to taking part in terrorist schemes and to being power hungry. In the South African Truth and Reconciliation Commission Amnesty Trials, defendants admitted to taking part in acts of violence and explored the feelings and beliefs that had led to these actions. In the public confessions made by Iraq Veterans Against the War, the confessors established credibility by explaining to the audience that their accounts of the war had previously been hidden from the media and the public.

## THE ORGANIZATION OF CONFESSIONS

Because confessions are thought to be so credible, and because some forms of deviance highlight inconsistencies within the social order, institutions or organizations that have an interest in either defending or challenging the social order also have an interest in shaping public confessions. Until the early twenty first century, public confessions have generally been organized by political and/or religious authorities rather than by the confessors (Abrahamian 1999), and confessors have been asked to define their deviant acts in a way that endorses or reinforces the very social order that they have challenged or violated. In this way, authority

figures borrow or hijack the credibility of confessions by staging public confessions through which the confessor acts as a narrative mouthpiece for an authority figure, a social institution, or the social order.

Public confessions are typically orchestrated prior to the event in a nonpublic setting, or backstage area, where the confessor and the confession are prepared for the public (Abrahamian 1999; Foucault 1977). The confessor, if not willing to confess, is coerced or influenced to confess through various incentives, threats, or torture. As Foucault (1980) notes in *The History of Sexuality, Vol. I*, the confession is:

a ritual that unfolds within a power relationship, for one does not confess without the presence (or virtual presence) of a partner who is not simply the interlocutor but the authority who requires the confession, prescribes and appreciates it, and intervenes in order to judge, punish, forgive, console, and reconcile (61-62).

The premodern or modern confession is constructed not so much to provide evidence of guilt, but to make sense of the deviant act in a way that does not contradict the social order. It is a negotiation between the deviant individual and authority figures as to how to define the situation after reports of deviance have disrupted faith in the social order. Work on degradation ceremonies shows that the objective of the ceremony is to “redefine the situations of those that are witnesses to the denunciation work” (Garfinkel 1965: 422) regarding the identity and motives of the deviant individual. Similarly, public confessions redefine authority figures and social institutions using cultural narratives familiar to witnesses. Public confessions “repair the moral code by establishing persons in relation to each other within the context of a shared code for distinguishing right from wrong” (Goodman 2009: 54).

In contrast, public confessions organized by those who seek to challenge the status quo highlight inconsistencies in the social order associated with deviance and imply that the social



order is not functional. Public confessions define deviance as a manifestation of the social order by demonstrating that it is linked to poorly functioning social institutions or the incompetent work of government officials. Twenty first century confessions may also show that some forms of popular rhetoric or even dominant cultural narratives are inconsistent with other dominant cultural narrative, and that these discourses encourage individuals to take part in deviant behavior. Such confessions seek to incriminate the social order rather than to absolve it.

The context and organization of the confessions I examined varied significantly, but all were organized by institutions or organizations that defined the confessed deviance in a way that furthered their political agendas. The public confessions of the Moscow Show Trials were controlled by the government, and the defendants were coerced into delivering false confessions. Their reframing of dissent as terrorism helped Stalin justify the purging of his political opponents. The public confessions of the South African Truth and Reconciliation Commission Amnesty Trials are generally thought of as voluntary, although the government influenced perpetrators with the incentive of amnesty and molded their confessions to support efforts to create a more inclusive social order. In contrast, the public confessions put forth by Iraq Veterans Against the War were organized by the confessors themselves, in order to denounce the War in Iraq and call for social change.

While public confessions are often organized by institutions or organizations who hope to influence how acts of deviance are defined, the knowledge that public confessions are organized with a political agenda can compromise the credibility of confessions. Because the credibility of public confessions comes in part from the notion that the confessors have nothing to gain from their confessions, power holders who influence confessions through coercion or rewards may damage the credibility of confessions in the eyes of the public. In addition to damaging the

credibility of the confessions—and thereby making the confessions less effective in defining deviance and its legal implications—the knowledge that power holders attempted to influence or control the confessions can have negative implications for the power holders. Knowing that public confessions are not the rare glimpse of the true, raw, unpolished self, but the choreographed performance of power holders used to influence the public, can affect the public's views of power holders.

In the case of the Moscow Show Trials, the knowledge that Stalin had coerced the defendants into making false confessions in order to legitimize his authority and justify executing those who questioned his methods ultimately damaged Stalin's reputation and posthumously delegitimized his authority (Taubman 2004). In addition, even Mandela's promise of amnesty for confessors who demonstrated that they took part in human rights violations as a result of political propaganda damaged the credibility of the confessions in the Truth and Reconciliation Commission Amnesty Trials (Gutmann and Thompson 2000). In contrast, the public confessions of IVAW's Winter Soldier event were not organized by power holders and the confessors were not influenced by either punishments or rewards, which in theory should make their confessions highly credible, (although I have yet to find research that analyzes reactions to the public confessions of IVAW). The organization of confessions, and the role of power holders in framing or coercing the confessions, may do as much to define the situation as the actual confessions.

## DEFINING THE CRIMES AND ASSIGNING RESPONSIBILITY

An important component of many public confessions is to assign responsibility for, and explain the motivation of, the deviant act. In all three cases that I examined, the confessions revolved around defining the nature of the crimes and assigning responsibility for them. Because interactions between deviant individuals and policing agents can be defined in multiple ways, with various political implications, framing the deviance and assigning responsibility for the crimes was a crucial function of the confessions. The confessors defined the deviance by discussing the motive or purpose for violating laws, and in doing so, commented as to whether or not inconsistencies within the social order were among the origins of the crimes. Whether or not the deviance was framed as being influenced by personal pathology, cultural villains, social institutions, power holders, dominant cultural narratives, or even economic ideologies, there were political implications: in all cases the confessors identified a political opponent of the confession organizers as ultimately responsible for the deviance. The organizers were absolved of wrongdoing, and their political opponents were incriminated.

The deviance discussed in the Moscow Show Trials was defined as terrorism and attributed to the defendants' pathological need for power—although responsibility for the criminal activities and plans was also attributed to Trotsky and the Gestapo. These confessions also worked to absolve Stalin of any part in Kirov's assassination and redefined the rift within the Soviet Party as terrorism rather than legitimate political dissent.

The confessions of the South African Truth and Reconciliation Commission Amnesty Trials redefined the nature of the human rights violations—many of which had previously been defined as either individualistic actions or acts of terrorism possibly associated with communism—to manifestations of apartheid. This meant that the previous regime, along with social movement organizations challenging the previous regime, was ultimately held responsible

for the human rights violations. In contrast, public confessions that are organized to challenge the social order seek to show that, for whatever motivation, government officials or other representatives of the social order, social institutions, or the social order in general are at least partly responsible for the deviance. The confessors may take responsibility for the deviant acts, but they link the social order to these acts as well.

The confessors of the Iraq Veterans Against the War defined their war crimes and other abuses as both a result of their own personal shortcomings and as a manifestation of political, cultural, and institutional narratives. The military, the media, and ultimately the American social order were responsible for these perpetrators' war crimes.

## CLOSURE

Another important component of confessions is closure—reassuring the public that the deviance will cease. When confessions are organized to protect the social order, the fate of the confessor is often in the hands of a social institution or authority figure. In these instances, confessors may create a sense of closure either by proclaiming that they have undergone a transformation and will no longer take part in deviant acts or by accepting a form of punishment that excludes them from society—typically either imprisonment or execution.

Even if the confessor accepts responsibility for the deviance and works to acquit the social order, the authorities involved—such as policing agents or members of the criminal justice system—must still respond in a way that reassures the public that they are doing their part to make social life consistent with the dominant cultural narratives. Public confessions often end with a reassurance that authorities will either attempt to rehabilitate individuals and realign them with the social order or that they will be excluded from society. Whether the individual is included or excluded from society is linked to the motivation or root of their deviance. Those

who define their deviance as pathological may be more likely to face exclusion, while those who claim that their deviance was the result of an egregious error of judgment or the influence of a villain may be more likely to be rehabilitated and included in society.

Narratives of closure may also provide confessors with the opportunity to praise social institutions. Confessors facing exclusion may praise the wisdom of the court for their punishment—declaring the court to be wise for sentencing them to prison or even death. Other narratives of closure may focus on personal transformations; these narratives may endorse institutions of rehabilitation that promise to reform the confessor, strengthen their resolve, and help them realign with the social order. In these instances, the confessor not only reminds the public that the social order is effective in controlling and treating deviance—which has important implications for legitimacy—but also demonstrates that they willingly submit themselves to the command of the legitimized state. Such narratives express to the public that even in cases in which the state punishes or transforms deviant individuals, the relationship is one of willing obedience and not of oppression. In addition to taking responsibility for their crimes, confessors may take responsibility for their punishments as well.

Closure is a tricky subject for confessors organized to oppose the status quo—they seldom have direct power over the various factors that bring a sense of closure to the public. Still, confessors who oppose the status quo may seek closure by proposing social changes that would prevent or decrease the deviant acts in the future. Furthermore, such individuals may engage in narratives of self transformation that demonstrate that they are no longer deviant in an attempt to provide closure.

In all three cases, the confessions included narratives of closure—either by reassuring the public that the deviance in question had ceased, was ending, or could be prevented in the future.

This closure was directly linked to how the deviance had been defined and who was deemed responsible. For the confessors of the Moscow Show Trials this meant endorsing their own execution and explaining that the best way to prevent future deviance on their part was through eliminating them altogether. In contrast, the confessors of the South African Truth and Reconciliation Commission Amnesty Trials attempted to provide closure by emphasizing their personal transformations and by demonstrating that since their human rights violations were rooted in the culture fostered by the previous regime—and that in many cases the prophecies and propaganda that had encouraged their violent actions had been disproven—there was no reason for them to take part in further violence. The Iraq Veterans Against the War confessors explained that their own personal transformations would not be enough to end a pattern of war crimes and abuses and that this could only be done through social change. Their goal of the “immediate withdrawal of all occupying forces in Iraq and Afghanistan” called for the closure of this latest episode in U.S. war craft.

## LEGITIMACY

All three sets of public confessions had implications for the legitimacy of power holders, social institutions, and the broader social order. Legitimacy is linked to rationalizations as to why subordinates should obey those in power (Wrong 1979), and these rationalizations originate in the idea that certain political institutions are the best ones for a given society (Lipset 1983; Berger 1973). The power of confessions to evaluate the legitimacy of social orders, institutions, and power holders lies in their ability to delegitimize the confessors. Public confessions typically involve confessors who not only delegitimize themselves, but also align themselves with political parties the organizers hope to delegitimize. Those who organize public confessions do

so because they have an interest in how power holders, social institutions, or the social order are evaluated.

My analysis suggests that confessions seem most likely to be organized when legitimacy is fragile. Trials involving public confessions are organized when leaders are new and legitimacy has not been established, or when legitimacy is threatened in some way. Truth-telling initiatives tend to follow political transitions (Goodman 2009; Campbell 2000) and occur at times when the legitimacy of power holders, social institutions, and social orders has not been established. For instance, Chambliss's (1976) work reviewing Erikson's study of the three crime waves in Salem, Massachusetts, which suggests that the waves—which resulted in degradation ceremonies—were constructed when the authority of power holders was threatened.

Confessions that assign responsibility for the deviance to forces outside the social order, or to power holders' political opponents, reinforce the legitimacy of power holders, social institutions, or the social order. Such confessions work to neutralize or repair any damage done to the trust in the social order, just as neutralization techniques repair the damage done to an individual identity. In a sense, these confessions protect power holders, social institutions, or social orders from a spoiled legitimacy. Confessors may legitimate the social order by delegitimizing their own feelings, thoughts, and behaviors.

Because defining and assigning responsibility for deviance involves exploring motivations for the deviance and the thoughts and emotions of the perpetrator, a deviant individual can effectively delegitimize himself or herself in a way that others cannot. By condemning his or her actions, the confessor neutralizes the challenges made to the power holders. In a sense, confessions delegitimize the delegitizer. In addition, when confessors are part of a group or organization, their confessions not only delegitimize the confessor but also

may delegitimize other group members or the group as a whole. Furthermore, confessors who attribute their deviance to cultural villains or opponents of power holders, and then condemn such actors, may reinforce previous narratives identifying their fellow deviants as villains and power holders as heroes.

In addition to strengthening notions of legitimacy among a country's citizens, public confessions that define deviance may also be used to influence the reputation of a nation within the global community, leading to more positive international relations. Both the Moscow Show Trials and the South African Truth and Reconciliation Commission Amnesty Trials were made accessible to an international audience, suggesting that the organizers of both sets of confessions hoped to convince a global audience, as well as their own citizens, that the political institutions in the country were the best and most appropriate for that society.

In contrast to confessions that absolve power holders, social institutions, or social orders of responsibility, confessions that assign responsibility *to* the power holders, social institutions, or social orders challenge their legitimacy and demonstrate that the deviance is an indication that the political status quo is not optimum. Confessions that are effective in challenging legitimacy call attention to deviance that the public may not have been aware of; by demonstrating inconsistencies within the social order, they may threaten the legitimacy of power holders and the social order. Confessors who present themselves as representatives of the social order, and then explore the ways in which they were deviant, may delegitimize the social order by delegitimizing themselves.

In the Moscow Show Trials, organized by Stalin after he faced criticism from fellow party members, the confessions attempted to legitimize Stalin by demonstrating that his approach to governing the Soviet Union was appropriate, and that he was a more effective leader than his



political opponents—members of the United Opposition. During the South African Truth and Reconciliation Commission trials, organized by the newly elected Mandela, the confessors delegitimized the previous social order and regime—Mandela’s long standing political opponents—and legitimized the new social order, demonstrating that his regime could more effectively represent both White and non-White South Africans. For the Iraq Veterans Against the War, the confessions attempted to delegitimize the military and the American social order, and in doing so, demonstrated that the goals of their organization—namely the immediate withdrawal of troops from Iraq and Afghanistan—were more consistent with cultural narratives that portray the United States as just and fair than the policies of the government.

## DISCUSSION

My work suggests that the power to organize public confessions, and therefore define deviance in ways that have important implications for political legitimacy, may be changing as new forms of media are created—particularly those featuring user-generated content. While many examples of public confessions organized by social institutions and power holders can be found throughout history (see Appendix A for a list of show trials and Appendix B for a list of truth and reconciliation trials) there are few if any examples of public confessions organized by confessors before the confessions of the Vietnam Veterans Against the War and the Iraq Veterans Against the War.

Throughout the premodern and modern era, power holders have constructed and influenced the public confessions of criminals to ensure that deviance is defined in a way that absolves the social order of any responsibility for deviance and legitimizes, rather than challenges, their authority. At times these institutionalized public confessions did not have the desired effect. As Foucault (1977) notes, public trials have the potential to create sympathy for

the convicted; this sympathy, in turn, may result in challenges to, rather than legitimization of, power holders and the social order. Public confessions meant to legitimize authority figures and define the social order as healthy and functioning properly, may reframe authority figures as oppressors trying to hide the flaws of the social order and coerce citizens into becoming tools of propaganda. Confessions may not immediately lead to a citizen rebellion, but their highlighting of inconsistencies between cultural values and actual practices can bring attention to a system's vulnerability or illegitimacy and may even help to lay the groundwork for future social change.

In contrast, political confessions of the late modern and postmodern era are organized by both power holders and social movements and may be used to define deviance in a way that either reinforces or challenges the status quo. While previous cases of public confessions that challenged the legitimacy of the social order were the result of institutionalized confessions that went awry, the public confessions of IVAW show that it is also possible for confessions to be organized as a whistle blowing technique in which individuals use their confessions to highlight inconsistencies within the social order and even incriminate those who are more powerful. With the advent of new forms of media that feature user-generated content or UGC (Burgess and Green 2009), individuals and social movement organizations organize public confessions in order to reframe deviance to challenge the legitimacy of power holders and the status quo.

Whistle blowing confessions are not solely associated with the internet and user generated content; the confessions of the original Winter Soldier testimonies were made public through a documentary. However, these new forms of media provide possible outlets for individuals or members of social movement organizations to make whistle blowing confessions. The public confessions of IVAW members, while inspired by strategies of the Vietnam War era, are part of a larger internet phenomenon that allows individuals the opportunity to participate in

making sense of both social control and deviance through postmodern surveillance, whistle blowing, talk therapy, and exhibitionism (Burgess and Green 2009; Knight, Brooke A. 2000; Snow 2010; Staples 2000). The IVAW confessions are part of a set of postmodern communications that include WikiLeaks, websites for anonymous confessions, and videos uploaded to YouTube of the violent suppression of protests in various locations around the world.

While the three sets of public confession all addressed similar themes, the method of using public confessions by power holders to reinforce their legitimacy can be appropriated by social movement organizations in order to challenge the legitimacy of power holders. This transition is not a linear progression of the use of public confession from being employed in oppressive show trials to being utilized in democratic whistle blowing initiatives. For instance, a year after the IVAW public confession took place in 2008, the Solomon Islands began a series of truth and reconciliation trials to address the ethnic conflict in Guadalcanal between 1999 and 2004, and the Iranian government held a series of show trials to address recent postelection protests.

Online public confessions and other online whistle blowing content may not, however, be as powerful in defining deviance as traditional media outlets. Contemporary scholarship shows that UGC is not always effective at reaching large audiences (Andrejevic 2004; Beer 2009; Goldberg 2011; Peters 2010). Furthermore, the use of more democratic forms of media to make whistle blowing confessions easier for members of the public to organize does not neutralize the power of traditional media outlets, which are, in some nations, controlled by the authorities (Burgess and Green 2009; Goldberg 2011).

Still, the IVAW confessions do represent a “bottom up” use of a method previously employed by power holders to define deviance in a way that reinforced their power. Additional research is needed to better understand the connection between assigning responsibility for deviance and reinforcing or challenging legitimacy, the effectiveness of public confessions in reinforcing or challenging legitimacy, and the ways in which web 2.0 affects definitions of deviance. It may be that today the mainstream media is more significant than web 2.0, but who knows what tomorrow will hold. As Aaron Hughes, a former Illinois National Guardsman and member of IVAW stated:

We don’t need to rely on mainstream media. We’re building up this community that’s saying:...I do have a voice. And you know what, I’m not going to let a politician or a general or the media speak for me anymore. Let me tell you what’s really going on” (IVAW 2008: 9).

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## **Appendix A**

Signers of the Statement by American Progressives on the Moscow Trials:

Marc Blitzstein  
Millen Brand  
Dorothy Brewster  
Edwin Berry Burgum  
Morris Carnovsky  
Robert Coates  
Lester Cole  
Kyle Crichton  
Jerome Davis  
Muriel Draper  
Guy Endore  
Phil Evergood  
Lillian Hellman  
Langston Hughes  
Leo Hurwitz  
Corliss Lamont  
John Howard Lawson  
Albert Maltz  
Dorothy Parker  
Lynn Riggs  
Harold J. Home  
Margaret Schlauch  
Edwin Seaver  
Howard Selsam  
Jessica Smith  
Berhard J. Stern  
Paul Strand  
Martin Wolfson

## **Appendix B**

### **Show Trials**

1415 Trial of Jan Hus, Konstanz  
1431 Trial of Joan of Arc, Rouen  
1649 Trial of Charles I, England  
1692-1693 Salem Witchcraft Trials, United States  
1792 Trial of Louis XVI, France  
1894 Trial of the Thirty, Paris  
1927 Trial of Sacco and Vanzetti, United States  
1935-1939 Moscow Show Trials, Russia  
1935-1939 Slansky Trials, Czechoslovakia  
1948 Trial of Shafiq Ades, Iraq  
1949 Trial of Laszlo Rajk, Hungary  
1949-1954 Show Trials of Maoist China  
1953 Trial of Krakow Curia, Poland  
1965-1971 Show Trials of the Chinese Cultural Revolution  
1981 Trial of the Gang of Four, China  
1980s Show Trials of Iran  
2009 Trial of Election Protesters, Iran  
2010 Trial of Mikhail Khodorkovsky, Russia

## **Appendix C**

### **Truth Telling Initiatives**

1974 Commission of Inquiry into the Disappearance of people in Uganda, Uganda  
1982 National Commission of Inquiry into Disappearances, Bolivia  
1983 National Commission on the Disappearance of Persons, Argentina  
1985 Investigative Commission on the Situation of Disappeared People and its Causes, Uruguay  
1985 Commission of Inquiry, Zimbabwe  
1986 Commission of inquiry into Violations of Human Rights, Uganda  
1986 Presidential Committee on Human Rights, Philippines  
1990 National Commission for Truth and Reconciliation, Chile  
1990 Commission of Inquiry to Locate the Persons Disappeared during the Panchayat Period, Nepal  
1991 Commission of Inquiry on the Crimes and Misappropriations Committed by the ex- President Habré, his Accomplices and/or Accessories, Chad  
1992 Commission of Truth, El Salvador  
1992 Commission of Inquiry for the Assessment of History and Consequences of the SED Dictatorship in Germany, Germany  
1992 Commission of Enquiry into Complaints by Former African National Congress Prisoners and Detainees, South Africa  
1994 Presidential Commission of Inquiry into Involuntary Removal and Disappearances of Persons in Western, Southern and Sabaragamuwa Provinces, Presidential Commission of Inquiry into Involuntary Removal and Disappearances of Persons in the Central, North Western, North Central and Uva Provinces and Presidential Commission of Inquiry into Involuntary Removal and Disappearances of Persons in the Northern & Eastern Provinces, Sri Lanka  
1995 Truth and Reconciliation Commission, South Africa  
1995 National Commission for Truth and Justice, Haiti  
1995 International Commission of Inquiry, Burundi  
1996 Truth and Justice Commission, Ecuador  
1997 Commission for the Historical Clarification of Human Rights Violations and Acts of Violence which Caused Suffering to the Guatemalan People, Guatemala  
1999 Human Rights Violations Investigation Commission, Nigeria  
2000 Presidential Truth Commission on Suspicious Deaths, South Korea  
2000 Truth and Reconciliation Commission, Peru  
2000 Peace Commission, Uruguay  
2001 Truth and Reconciliation Commission, Grenada  
2001 Truth Commission, Panama  
2001 Truth and Reconciliation Commission, Federal Republic of Yugoslavia  
2001 Commission for Reception, Truth and Reconciliation, East Timor  
2002 National Reconciliation Commission, Ghana  
2002 Truth and Reconciliation Commission, Sierra Leone  
2002 Commission for Reception, Truth and Reconciliation, Timor-Leste  
2003 National Commission on Political Imprisonment and Torture, Chile  
2003 Truth and Justice Commission, Paraguay 158

2003 Truth and Reconciliation Commission, Democratic Republic of Congo  
2004 Truth and Reconciliation Commission, Indonesia  
2004 Equity and Reconciliation Commission, Morocco  
2005 Truth and Reconciliation Commission, Liberia  
2007 Truth Commission, Ecuador